FINAL
ENVIRONMENTAL ASSESSMENT
FOR
BORDER FENCE CONSTRUCTION AND ROAD REPAIR
NACO, COCHISE COUNTY, ARIZONA
JTF-6 OPERATION JT044-94

SERVICE TO THE NATION

Prepared for:
Joint Task Force Six
Department of Defense
Fort Bliss, Texas

Prepared by:

U.S. Army Corps of Engineers

Los Angeles District

FINDING OF NO SIGNIFICANT IMPACT
FOR THE
JOINT TASK FORCE SIX OPERATION JT044-94
BORDER FENCE CONSTRUCTION AND ROAD REPAIR
NACO, COCHISE COUNTY, ARIZONA

I have reviewed the attached Environmental Assessment (EA) prepared by the U.S. Army Corps of Engineers (COE), Los Angeles District (LAD) for the Joint Task Force Six (JTF-6) project for Naco, Arizona. JTF-6 coordinates all Title 10 Department of Defense support to Federal, state and local law enforcement agencies as requested by Operation Alliance and approved by the Joint Chiefs of Staff in the efforts to disrupt illegal drug operations along the southwest land border and protect national security.

The purpose of JTF-6 Operation at Naco, Arizona, is to assist law enforcement agencies in the prevention of illegal importation of drugs along the U.S./Mexico border. The proposed project consists of replacing 3 miles of existing chain-link fencing with 10 feet high steel landing mat fencing, installation of culverts and repair of approximately 1 mile of existing road parallel to the fence along International Boundary at Naco, Arizona. Project construction will take about 45 to 60 days, and is scheduled to be accomplished between April and the end of July 1994. In event of time delays, resource agencies and concerned individuals will be notified via telephone by COE personnel. In the event of flooding or heavy rain, project construction will be delayed until the project area is suitable for construction.

The consequences of the proposed project on natural, biological and cultural resources are analyzed in the Environmental Assessment (EA). Appropriate environmental commitments are outlined in the EA to minimize impacts to the environmental resources. The proposed action would have no effect on endangered or threatened species.

I have considered the available information contained in this EA and it is my determination that the proposed project will not result in any significant short or long term adverse impacts on the existing environment. Therefore, preparation of an Environmental Impact Statement (EIS) is not required.

19APR94
DATE

KEVIN P. BYRNES
Brigadier General, U.S. Army
Commanding

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1.0 PROJECT SUMMARY

The Secretary of Defense established Joint Task Force Six (JTF-6) in November 1989 to coordinate all Department of Defense support to Federal, State, and local law enforcement agencies in their efforts to disrupt illegal drug traffic along the southwest border and protect national security. Under this direction,
R U.S. Border Patrol, Tucson Sector, requested JTF-6 to assist them in replacement of the existing chain-link fence with steel landing mat fence along the border of the United States and Mexico in the vicinity of Naco, Arizona, in order to reduce illegal drug smuggling activities along the U.S./Mexico land border and help Border Patrol accomplish their mission efficiently.

JTF-6 has requested the U.S. Army Corps of Engineers to prepare an Environmental Assessment (EA) to address environmental impacts associated with the operation (JT 044-94). The proposed
R action consists of replacement of the existing chain-link fencing with 10 feet high steel landing mat fence, installation of culverts at approximately six locations along the washes, and improvement of approximately 1 mile of road along U.S./Mexico border at Naco, Arizona. The fence construction is approximately three (3) miles long and will be installed 1-1/2 miles east and 1-1/2 miles west of the Port of Entry (POE) at Naco, Arizona. This document is prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) and Army Regulation 200-2 (AR-200-2), Environmental Effects of Army Actions, dated 23 December 1988.

R The construction will be accomplished by 100 to 120 military personnel (Army, 62nd Engineering Battalion S3) as part of their training. Project construction will take a minimum of 45 days and a maximum of 60 days; estimated construction start date for the fencing project is the end of April 1994 and the estimated completion date is late July 1994. This schedule is subject to revision due to funding, availability of construction crew/equipments, materials, or weather conditions; however, construction will be accomplished prior to July 1996. JTF-6 will avoid construction in the event of heavy rain or floods to reduce any impacts to water quality. If there is a delay in project construction, the appropriate resource agencies and concerned individuals will be notified.

Staging area for the construction equipment will be established adjacent to the Border Patrol Station in Naco on Border Patrol property. Landing mat panels will be assembled at the staging area. A few military personnel may bivouac at the staging area to safeguard equipment at night.

In February 1993, an environmental document was prepared to evaluate impacts related to the improvement of about 22 miles of existing road along the U.S./Mexico border. The construction was completed during March 1993.

1.1 Summary of Impacts: Construction impacts associated with the proposed fencing project are summarized below:

Short Term Impacts: Short term impacts from fencing will result from the construction equipment, transportation of required construction materials, and personnel.

- Fugitive dust particles and emissions generated by the vehicles and equipment will increase within the project areas during construction. A watering program will be employed to control the fugitive dust.

- Noise level from the construction equipment will increase in the vicinity of the project area. This impact will be short term and insignificant.

Long Term Impacts: The fencing at these locations should have a considerable effect in reducing cross-border drug smuggling operations, illegal foot and vehicle entries, and border crimes directed against aliens, civilians, and border agents along the border area.

- The construction of landing mat fence will provide necessary safety to the residents of Naco, Arizona.

- The construction of landing mat fencing will have a minor aesthetic impact.

- No cultural resources will be impacted by the proposed project.

R - Replacement of existing chain-link fencing with a 10 feet high steel landing mat fencing will have a minimum impact on a strip of vegetation approximately 2 feet in width along a three mile length. The area in the vicinity of Naco, Arizona supports a mixture of grasses and nonnative species but approximately 75% of the area is vegetated by native plant species, predominantly mesquite trees, a majority of which are less than 10 feet tall.

2.0 PROJECT LOCATION AND VICINITY

Naco is located in Cochise County, Arizona, approximately 75 miles southeast of the City of Tucson, and 25 miles west of the town of Douglas, Arizona (See Fig. 1). Bisbee and Sierra Vista are the nearest towns located northeast and northwest, respectively, of the project area.

3.0 NEED FOR THE PROPOSED ACTION

The purpose of the JTF-6 Naco operation is to construct steel landing mat fencing along the U.S./Mexico border in an
R effort to prevent or limit the flow of illegal traffic entering the United States. Additionally, this mission also will help various law enforcement agencies (the Immigration and Naturalization Service, the Arizona Department of Public Safety and the Cochise County Sheriff) to effectively patrol the border area, spot and intercept illegal smuggling/narcotics trafficking in the vicinity of the United States/Mexico border.

The proposed fencing in the vicinity of the Port of Entry (POE) will assist agents in detecting initial movement north across the border; this will significantly reduce the amount of
R illegal smuggling/narcotic traffic reaching Naco, Arizona and urban areas north of Naco.

Also, illegal drug smugglers detected illegally entering the country and attempting to return to Mexico will require additional time to scale the fence, increasing the number of apprehensions by agents. In addition, steel landing mat fencing is essential to the safety of the U.S. citizens and the town due to frequent criminal activities such as vandalism, burglary and theft (Los Angeles Times, dated November 8, 1993).

R Currently, several gaps exist in the barbed wire and chain-link border fence, and drug smugglers will continue to take advantage of these gaps. Present conditions are such that vehicles can pass through these gaps. Stabilizing these areas is needed to improve the Border Patrol's ability to detect and more rapidly interdict illegal drug traffickers. Overland smuggling poses a significant threat in this area. Fencing should significantly reduce ongoing criminal activities and channelize drug traffickers.

4.0 PROPOSED ACTION

4.1 Fence Construction: The proposed project is to construct 3 miles of steel landing mat fencing (1.5 miles east and 1.5 miles west of POE) and to improve approximately one mile of road along the U.S./Mexico border at Naco, Arizona. Steel landing mat fencing will be installed in place of the existing chain-link fence (See Fig. 2). The road parallel to the fence will be improved to its existing width of approximately 15 to 25 feet. This road was improved in February 1993 by military personnel; however, improvement of road approximately 1/2 mile east and 1/2 mile west of POE will be required to install culverts. If necessary, the road will be elevated to facilitate vehicle movement and to prevent soil erosion.

Drainage/washes along the fence alignment will be cleaned and repaired. Approximately at six locations, culverts will be installed (four east of POE and two west of POE) to prevent accumulation of water/sewage coming from Mexico. Approximately 50 cubic yards (CYs) of fill material will be required at each location; however, construction of one culvert west of POE will require approximately 500 CYs of material to raise the road elevation to the fence line and ensure that the road is passable.

R About 1000 CYs of fill material required for the fence, culverts and road construction will be obtained from Chemstar Limestone site located about 15 to 20 miles east of Naco.

R Fence construction consists of digging 3 to 5 foot deep holes (back hoe with auger) at intervals of 10 feet; installing steel anchor poles in the holes; and filling with concrete. After installation of steel poles, steel panels 10 feet high and 12 feet wide will be welded to the poles.

Construction is expected to start in mid or late April 1994 and be completed by the end of July 1994. This schedule could be revised due to funding, availability of construction crew/equipment, material, or weather conditions; however, construction will be accomplished prior to July 1996. If construction is delayed, resource agencies will be notified.

4.2 Road Improvement: On the west and east side of the Naco POE about 1 mile of road will be improved by the installation of culverts.

Staging Areas: The equipment staging area will be located in U.S. Border Patrol compound on disturbed land. This area is approximately 300 feet by 300 feet.

R Equipment: Equipment used for fence construction and road repair will include: four scrapers, four bulldozers, two compactors, one auger truck, one backhoe, one excavator, one vibrator roller, two road graders, three flat-bed trucks (to carry fence panels), truck, portable welders and either two-track cat, 6-wheel cranes equipped truck or 7-1/2 ton cranes (lift vehicles) to position the panels in place for welding to the steel poles.

R Project construction will be accomplished by approximately 100 to 120 military personnel and will constitute military training. Military personnel will be housed at the Bisbee, Arizona airport while a small construction crew will bivouac near the construction equipment staging area. Bivouac site will consist of two tents. In addition, a meal tent will be set up to provide one or two hot meals per day. A portable lavatory and dumpsters will also be located in the staging area. A fuel "pod" will be set up close to the job site in a safe location (i.e. the Customs House) to fuel equipment. Oil and grease or any

hazardous wastes which may be generated during construction will be collected and disposed of properly. Electricity will be produced by generators on site.

5.0 ALTERNATIVES

5.1 No Action: No Action alternative means no fence construction along the border near Naco U.S./Mexico border. No Action alternative would result in continued increase of illegal drug smugglers entering the United States. Also, associated criminal activities within the town of Naco, Arizona, would continue.

This alternative would cause a deterioration in the ability of the law enforcement agencies to fulfill their mission. The safety of area residents and law enforcement personnel, the effectiveness of law enforcement personnel and patrols, and vehicle wear and tear would be adversely impacted. As a result, this alternative is not viable and impacts related to this alternatives are not addressed further in this document.

5.2 Repair Existing Fence with Chain-link Fence: Repairing the existing fence with chain-link fencing would not prevent illegal drug smuggling. The chain-link fence would be damaged and new gaps created by cutting fencing; illegal drug smuggling activities would continue to increase along the border. This alternative is not viable and is therefore not considered further.

5.3 Construction of Steel Landing Mat Fencing, Road Repair and Installation of Culverts: This alternative would allow for the construction of the border steel landing mat fence; improvement of road; and installation of culverts as proposed in Section 4.0 above. This is the Preferred Alternative.

5.4 Construction of a New Road: Construction of a new road rather than the road repair in the recommended plan would require land and/or right-of-way clearance, as well as engineering planning and construction implementation. This alternative would require additional time and would be very costly. This alternative would be environmentally damaging.

6.0 AFFECTED ENVIRONMENT

The following discussion reflects information presented in the Environmental Assessment for Border Road Maintenance and Repair, Naco, Cochise County, Arizona, prepared by U.S. Army Corps of Engineers, February 1993, and site investigations and coordination conducted for preparation of this Environmental Assessment.

6.1 Physical Setting: The region is part of the Basin and Range Physiographic Province of the western United States. The project area is part of a gently sloping valley surrounded, for the most part, by mountains of medium height. The nearest mountains, and immediately north of the project area, are the Mule Mountains. The highest point in the area is Huachuca Peak, with an elevation of 8,406 feet. Elevations in the project area range from 4,200 to 4,800 feet above mean sea level.

6.2 Climate: Climate in the vicinity of Naco is characterized by mostly sunny days with hot summers and mild winters. Precipitation normally is highest in summer due to moisture from the south; winter precipitation is due to low pressure systems from the west. Average annual precipitation is approximately 15 inches. Annual snowfall can vary from none to about 6 inches.

Temperatures normally vary, in the winter, from lows in the upper teens to highs in the 60's or 70's. Summer temperatures can vary from lows in the 60's to highs in the low 100's. Winds for most of the year generally blow from the south and east.

6.3 Water Quality: Due to the dry climate of this area most of the drainage channels are dry most of the year. The direction of most of the surface drainage in this area is south to north, i.e. Mexico into the United States. Surface water quality in the vicinity of the project is degraded due to sewage flows in some of the washes coming from Mexico. Land use in the vicinity of the border is primarily grazing cattle.

There is a large copper mine located near the Mexican town of Cananea which is situated partially in the extreme headwaters of the San Pedro River basin. Documented discharges of contaminants originating from the mine caused widespread pollution of the river in the 1970s and 1980s. All aquatic life was destroyed and many pollutants remained in the streambed sediments for years and may still persist although routine surface water quality monitoring data does not confirm this. (Final Environmental Assessment (FEA), for Border Road Maintenance and Repair, Naco, Cochise County, Arizona, February 1993)

Ground-water in the area is good, per a conversation with a representative of the Arizona Department of Water Resources. Almost all of the water consumed locally is from wells. Various water companies serve the south county area (FEA, for Border Road Maintenance and Repair, Naco, Cochise County, Arizona, February 1993)

6.4 Air Quality: The project area has good air quality due to the rural nature of the region. Several possible sources of pollution are located on the Mexican side of the border including a processing plant approximately 1 mile southeast of Naco,

Arizona, and another plant(s) located near the Mexican town of Cananea, about 30 miles southwest of Naco. Weather patterns are such that stack emissions do not often foul the air in the Naco area.

6.5 Biological Resources: The project area supports a plant community defined as semidesert grassland, a perennial grass-scrub community that is usually located between desert scrub and higher elevation plant communities (Brown, 1982). This habitat type is found in southeastern Arizona, southwestern New Mexico, and northern Mexico between elevations of 4000 and 8000 feet and receives an annual rainfall between 11 and 17 inches (Brown, 1989). The area is primarily vegetated by short, warm season bunchgrasses as well as native cacti, yuccas, and shrubs and invading species such as creosote bushes, mesquite, snakeweed, burroweed, and jimmyweed. The floral and faunal components of semidesert grasslands have been described in several publications
R (Brown, 1982; Brown, 1989). A Corps of Engineers Ecologist conducted a resource inventory survey of the project area on August 12 and 13 and December 15 and 16, 1993.

6.5.1 Vegetation: Vegetation within the project area is predominantly semidesert grassland community. The project area is characterized by the occurrence of mesquite, creosote bush, peabush, yucca, acacia, cholla, prickly pear, sunflowers, assorted grasses, desert zinnia, goldenweed, buffalo gourd, sage, snakeweed, common reed, and pricklepoppy. Plant species encountered in the course of field surveys are listed in Appendix E.

6.5.2 Fish and Wildlife: Animal species with the likelihood to occur within the project area include jack rabbits, ground squirrels, mice, wood rats, coyotes, mule deer, mourning doves, quails, road runners, mockingbirds, thrashers, sparrows, and raptors. A total of four natural drainages were encountered in the course of field surveys as well as four cattle guards and two depressions. No permanent water was noted in the survey area but one water filled depression was noted east of the Naco Port of Entry (POE).

6.5.3 Endangered and Threatened Species:

6.5.3.1 Federal: The Corps of Engineers requested a list of endangered, threatened, or proposed species on August 11, 1993 which may occur in the project area; a response was forwarded by the USFWS on September 21, 1993. Three endangered species may potentially occur in the project area: one mammal - the lesser long-nosed bat (Leptonycteris curasoae yerbabuenae), and two avian species: American peregrine falcon (Falco peregrinus anatum) and the bald eagle (Haliaeetus leucocephalus). One proposed endangered avian species may occur in the project

vicinity: the southwestern willow flycatcher (Empidonax traillii extimus).

The long-nosed bat is a temporary resident of central and southeastern Arizona, an area occupied as the northern portion of its range between late May and early September. The long-nosed bat utilizes the nectar and pollen produced by paniculate agave, especially Agave deserti, A. parryi, and A. palmeri, and early blooming, columnar cactus including saguaros and organ pipe cacti as a food source.

The American peregrine falcon occurs primarily throughout the state as a migrant, transient or wintering species and, on occasion, utilizes isolated cliff ledges for breeding purposes. The peregrine falcon has endured serious declines in population since the 1940s due to reproductive declines from pesticide poisonings.

The bald eagle occurs throughout the United States but more frequently in western states, especially Alaska. Bald eagles winter in Arizona and have been sighted along the Salt, Verde, and Bill Williams rivers on cliff ledges, trees or snags as well as the White Mountains and along the Mogollon Rim. This species has undergone significant declines due to a number of factors including lead poisoning, loss of roosts, loss of habitat and pesticide poisonings.

The southwestern willow flycatcher is a subspecies of the willow flycatcher and its range includes southern California, southern Nevada, southern Utah, western New Mexico, and Arizona. Its preferred habitat is heavily vegetated riparian areas preferring associations of cottonwood (Populus sp.), willows (Salix sp.), and other riparian vegetation. Serious declines in the numbers of this subspecies are attributed to loss of habitat by tamarisk invasion, parasitism by cowbirds, pesticide contamination, predation, and loss of winter breeding areas. Although the subspecies was once distributed throughout the state, recent surveys have located them in isolated areas: the Grand Canyon and the White Mountains.

6.5.3.2 State of Arizona: The Corps of Engineers requested a list of special status species from the Arizona Department of Game and Fish (ADGF) which may occur in the project area on August 11, 1993; a response is pending. An Environmental Assessment (EA) prepared for a related Corps of Engineers project in Naco, Arizona cited the occurrence of one endangered bird: Baird's sparrow (Ammodramus bairdii) and one threatened snake: massasauga (Sistrurus catenatus) (Corps of Engineers, 1992).

The Baird's sparrow is an inhabitant of grasslands of southeastern Arizona in proximity to Sonoita and Douglas but once was more widely distributed throughout the area. Its existence

is threatened by loss of the shortgrass prairie to grazing and urbanization in Arizona and loss of its major breeding grounds in the north central Great Plains.

The massasauga is a tiny, "pygmy" rattlesnake which inhabits the desert grasslands of the West. It occurs in local populations in extreme southeastern Cochise County and is threatened by agricultural development and road kills by automobiles.

6.5.4 Candidate Species:

6.5.4.1 Federal: Information regarding the occurrence of candidate species which may occur in the project area was requested from the USFWS on August 11, 1993; a response was forwarded by the USFWS on September 21, 1993. Candidate species identified with the potential to occur in the project area in Naco, Arizona included seventeen category two species: five mammals: California leaf-nosed bat (Macrotus californicus), Mexican long-tongued bat (Choeronycteris mexicana), southwestern cave bat (Myotis velifer brevis), Arizona shrew (Sorex arizonae), and the Chiricahua western harvest mouse (Reithrodontomys megalotis arizonensis); four reptiles: canyon spotted whiptail lizard (Cnemidophus burti), Texas horned lizard (Phrynosoma cornutum), Mexican garter snake (Thamnophis eques) and the desert tortoise (Sonoran population) (Gopherus agassizii); two amphibians: lowland leopard frog (Rana yavapaiensis) and Chiricahua leopard frog (Rana chiricahuensis); three plants: needle-spined pineapple cactus (Echinomastus erectocentrus var.erectocentrus), Bartram's stonecrop (Graptopetalum bartramii), and Huachuca golden aster (Heterotheca rutteri); and three birds: ferruginous hawk (Buteo regalis), loggerhead shrike (Lanius ludovicianus), and the Mountain plover (Charadrius montanus). Category one species are those for which USFWS has sufficient information to support a proposal to list the species as endangered or threatened; category 2 species are those for which additional information is needed to support a listing proposal. Category species are identified for planning considerations, but they have no protection under the Endangered Species Act, Section 7 (a).

6.5.4.2 State of Arizona: A list of candidate species provided by the ADGF was requested on August 11, 1993; a response is pending. No sensitive species were identified in conjunction with the EA prepared for border road maintenance and repair in the Naco, Arizona, area (Corps of Engineers, 1992).

6.6 Cultural Resources. The Area of Potential Effects was surveyed for the presence of cultural resources in 1991 by Geo-Marine, Inc. Based on a review of their survey report, two archeological sites are present in close proximity to the APE for the fence project. Their designations are AZ FF:9:12 and AZ

R FF:9:13. Both of these sites are outside of the area of potential effects.

Both of these sites are ridge sites which were used by the U.S. Army for defense during the Mexican Revolution. Their purpose was to ensure that fighting did not spill over into the U.S. The material remains at these two sites consist of a scatter of artifacts representative of this military action.

R Site AZ FF:9:12 (Machine Gun Ridge Site) is located west of the custom house at Naco. It is 80 by 35 meters in horizontal extent. In addition to the scatter of historic artifacts left by the military, the site is also a prehistoric lithic reduction loci. The remains present from this activity consist of a sparse scatter of debitage and one utilized flake.

Site AZ FF:9:13 is a historic site located east of Naco which is 145 by 65 meters in horizontal extent. The site consists of a corral, a rock alignment, and a scatter of historic artifacts. The artifacts observed at this site include cans, glass, porcelain, a tent grommet, bullet casings, a belt buckle, a stove grate, whiteware, wire, springs, barrel hoops, and bottles.

6.7 Land Use: The current land use in the vicinity of the project area is open grazing land and residential. A trailer park is located on the west side of POE. Isolated dwellings are located on the Mexican side.

6.8 Aesthetics: This area is characterized by its rural, pastoral nature. The panorama consists of mountains and valleys. The area is untouched by urban development. Along the border, abandoned vehicles, trash, and burned areas were noted during surveys. These factors contribute toward degrading the aesthetics of the area.

6.9 Socioeconomics: The town of Naco is located on the international border separating the United States and Mexico. Most of the population of Naco is engaged in agriculture, cattle grazing or small retail businesses. Trade has been developed between Naco, Arizona and Naco, Sonora, Mexico, and includes commodities such as copper, firewood, charcoal, turquoise and electric goods (Custom Office, Naco).

6.10 Noise: Noise levels around the project area are very low. Most noise is generated by Border Patrol vehicles patrolling the border and vehicles passing through POE. Currently noise levels are very low within the project area.

7.0 ENVIRONMENTAL IMPACTS

Impacts related to the proposed road improvement are summarized in the following paragraphs. No Action and repair of existing fence with chain-link are not viable alternatives; therefore, impacts related to these alternatives are not addressed in this EA.

7.1 Physical Setting: Any project related-impacts on the physical environment are anticipated to be minor.

7.2 Climate: Project construction would not have any adverse impact on climate of the area.

7.3 Water Quality: The proposed action is not expected to increase soil erosion or adversely impact surface water quality. Sewage flows from Mexico have accumulated at several low-elevation locations along the border; installation of culverts at these locations would prevent accumulation of sewage flow in these low-elevation areas. Culverts will be installed along the washes or depressed areas. During the field survey (August and December 1993) all washes were dry, and some of the washes were severely eroded. About 50 CYs of fill material will be required to install culvert at each wash; however, at one location west of POE the level of the road will be raised to the
R fence line and 500 CYs of fill will be required. Approximately 1,000 cubic yards of fill material required for the project construction and will be obtained from existing Chemstar Limestone quarry, and they have obtained required water quality permits. The placement of culverts may disturb upper soil initially; however, after construction of the culverts erosion along the washes will be reduced. Procedures to minimize erosion during construction will be followed, including checking weather conditions daily; using clean material to install culverts and ensuring that no polluted silt or other material is placed in washes; removing debris from the washes; and postponing construction during rainstorms or flood events. During construction of the culverts, impacts will be minimal and very short-term (about 5 to 15 days at each wash) and impacts to water quality will be minor. The project will have beneficial impacts to water resources; polluted areas will be cleaned by the construction crew.

Informal coordination was conducted with Arizona Department of Environmental Quality (ADEQ) regarding requirements for Storm Water Permit. A Storm Water Permit will not be required for the proposed project because project-related grading will be less than 5 acres. Approximately 1900 steel poles will be installed at intervals of 10 feet for fence construction. A 1-foot-diameter hole will be drilled for each fence post to a depth of 3 feet and ground disturbance will be limited to approximately 2 square feet to establish each pole. Less than one acre of land

will be disturbed by this activity; and approximately 3 acres of road will be graded for placement of culverts and elevation of the road.

A 404(b)(1) Water Quality Evaluation prepared for the project and State of Arizona WQMS-301.030 form are located in Appendix A. The project qualifies for Nationwide Permit # 14, road crossing.

7.4 Air Quality: Fence construction will have a short-term adverse impact on air quality. Minor adverse impacts would be associated with equipment emissions and fugitive dust particles due to the transportation of materials during construction. Some dust will be released during improvement of road and construction of culverts. Watering trucks will be used as needed to minimize impacts, which are considered short term and minor.

7.5 Biological Resources:

7.5.1 Vegetation: The proposed action will result in the replacement of the existing barbed wire or chain link fence which delineates the United States from Mexico with a fence constructed of steel landing mat panels. The linear distance to be traversed
R by the proposed fence will be approximately 3.0 miles, 1.5 miles east and west of the POE. Construction of the proposed fence will require placement of anchor poles in a concrete foundation with each pole occupying an approximate volume of 0.3 CYs based on a depth of five (5) feet and a diameter of one and one half (1.5) feet. The total number of anchor poles potentially required for the proposed fence is estimated to be 1,900 based on three miles of fence and an anchor pole placed every ten feet. The total volume of impact imposed by placement of the poles is expected to be 380.4 CY but a surface area of approximately 31680.0 ft^2 (0.72 acre) will be potentially impacted through activities necessary to prepare the site to position poles. An anchor pole will be placed every ten feet along the fence alignment and a fence pole placed in each anchor serving as a support pole to which the steel mat panels will be welded. The poles and panel will replace the existing barbed wire or chain-link fence north of the markers which delineate the international boundary. The fence line is proposed to extend both east and west of the Naco POE for a maximum distance of 1.5 miles on either side of the POE for a total of three miles. The maximum area with the potential to be impacted is estimated to be approximately 0.72 acre based upon a maximum length of three miles and placement of poles in a two foot strip of land between the current fence and the existing road.

The vegetation within the project area consists of weedy annuals and a scattering of nonnative trees in the immediate

vicinity of the POE which is replaced by native vegetation as the distance from the POE increases. The project area within the initial 0.4 miles east of the POE is heavily vegetated by numerous weedy annuals, grasses and an occasional tree. A ditch is located approximately five feet from the current fence line and runs parallel to the fence line for approximately 0.2 miles; a dense stand of annuals and grasses is characteristic of this ditch due to its capacity to hold water at varying times. Vegetation along the fence alignment between 0.4 and 1.5 miles includes primarily mesquite, yucca, cholla, prickly pear, bunch-grass, sunflower, devil's claw, buffalo gourd, thistle, snakeweed, desert zinnia, mormon tea, and creosote. No agaves were observed along the current fence alignment east of the POE.

Vegetation along the current fence line in the initial 0.20 miles west of the POE is very sparse or absent due to the heavy impact of human activities. The area between 0.2 and 1.5 miles is primarily vegetated by native flora such as mesquite, prickly pear, sunflowers, cholla, yucca, desert zinnia, sacred datura, assorted grasses, etc. A stand of nonnative trees is located approximately 0.25 miles from the POE on the Mexico side of the border but overhanging branches are evident. One agave was observed on the current fence line and is located approximately 1.4 miles west of the POE.

In the area east of the POE, two intermittent drainages (one with water) were encountered in the course of field surveys as well as three ditches over which cattle guards were placed; one water filled drainage existed approximately 0.5 miles from the NACO POE and water appeared to accumulate as a result of a pipe rupture on the Mexico side. Two depressions exist in the roadway, one of which contained pooled water which appeared to be raw sewage. Vegetation was sparse or nonexistent in drainage areas associated with cattle guards while numerous annuals and grasses were observed in the beds of the two intermittent drainages. Mesquite trees were evident throughout the project area and were the most common plant along the drainages. In the area west of the Naco POE, two intermittent drainages and one ditch with a cattle guard were encountered in the course of the field surveys. Vegetation within the ditch and one drainage area was sparse while the remaining drainage located approximately 0.3 mile west of the POE supports a mixture of grasses and annuals including desert zinnia, goldenweed, etc.

R The construction of new fencing is expected to have an impact upon the vegetation which exists in the two foot strip between the current fence line and the existing roadway which parallels the fence. Preparation of the site to place anchor poles will require removal of the vegetation within the two foot strip and will result in the removal of several mesquite trees which occur in the project area as well as grasses, annuals, and isolated cacti and yuccas; the majority of mesquite trees are

less than 10 feet in height. One deciduous tree which exists along the current fence on the United States side approximately 0.25 miles east of the POE will be avoided; the remaining trees exist on the Mexico side and will remain intact except for the removal of overhanging branches. The agave which exists along the current fence line may be impacted by the removal of the current fence and placement of the new fence.

7.5.2 Fish and Wildlife: The proposed action will temporarily disturb local fauna in the project vicinity due to noise and movement of heavy construction equipment. The removal of vegetation will occur as a result of this action and may impact fauna which inhabit the two foot strip. Fauna affected by the removal of current vegetation are expected to be temporarily impacted. One water filled depression existed in the project vicinity on the east side of the POE and appeared to be temporary and the result of a pipe rupture on the Mexico side of the border. The placement of a fence in the Naco area will not adversely affect the movement of fauna across the border as they will be able to cross at the termination points of the fence.

7.5.3 Endangered, Threatened, and Proposed Species:

R 7.5.3.1 Federal: The proposed action is not expected to impact federally listed endangered, threatened, or proposed species. One agave plant, the food source of the endangered lesser long nosed bat, was noted in the current fence alignment which will be avoided or, if circumstances dictate, transplanted during the course of the construction; a qualified COE or USFWS biologist will be responsible for transplanting the agave. The project area does not contain suitable habitat to support American peregrine falcons, bald eagles, or southwestern willow flycatchers and will not have an adverse impact on these species.

7.5.3.2 State of Arizona: A response from the ADGF is pending and the material forwarded will be included in the Final EA.

7.5.4 Candidate Species:

7.5.4.1 Federal: The project is not expected to significantly impact candidate species identified by the USFWS. During the course of field surveys in August 1993, a burrow was observed approximately fifteen feet south of the current fence alignment and may be indicative of the presence of the desert tortoise.
R Any tortoises encountered in the course of construction will be avoided or removed utilizing methods prescribed by ADGF (Appendix F).

7.5.4.2 State of Arizona: A response is pending from the ADGF and will be incorporated into the Final EA.

7.6 Cultural Resources: This project has been coordinated with

Arizona State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800) in a letter dated August 27, 1993. In a letter dated September 23, 1993 the SHPO concurred with this determination that the project
R would not have any effect to cultural resources (Appendix C).

7.7 Land Use: The proposed project will not have impacts to grazing and pasture land along the border. No impacts to land use are anticipated.

R 7.8 Aesthetics: Fencing will have a minor visual impact along the border.

7.9 Noise: Noise from the equipment will increase the noise level in the immediate area of the work. Few people reside in the area to be impacted. The impact will be short term and minor. The fence will require maintenance periodically due to the continuous vandalism to all border fencing by illegal traffic attempting to enter the United States.

7.10 Socioeconomics: The project may have a short-term beneficial impact on the local economy by the personnel assigned to the project. There may be a beneficial impact on sales, trade, employment, government revenue, and income.

7.11 Transportation: Movement of personnel and equipment will be held to a minimum on the major transportation roads (arteries) in the area. If any trucks haul overweight or oversize loads, coordination with ADOT will be conducted to determine means to minimize any short term impacts.

7.12 Safety: Project construction will improve the security of the population residing along the border by reducing illegal activities across the border.

8.0 COORDINATION

8.1 Coordination Summary: Informal coordination has been conducted with the following agencies: U.S. Border Patrol; U.S. Customs Service; International Boundary and Water Commission - U.S. Section (IBWC); U.S. Fish and Wildlife Service; U.S. Bureau of Land Management; Corps of Engineers (Regulatory Section, Phoenix and Los Angeles); Arizona Department of Game and Fish; Arizona Department of Environmental Quality; Arizona Department of Agriculture; and Arizona State Historic Preservation Officer.

R 8.2 Comments on the March 1994 Draft Environmental Assessment:

The Draft EA was provided to concerned agencies and

individuals for 30 day review in March 1994; the comment period closed 4 April 1994. Letters of comments and responses are included in Appendix D.

International Boundary and Water Commission

On August 26, 1993, the proposed fence construction was coordinated with Mr. Don Crawford, IBWC staff. He requested that
R the fence construction plan be submitted to them. By letter dated March 22, 1994 (Appendix D), JTF-6 has notified IBWC of the fence construction; the Draft Environmental Assessment (DEA) was sent to them during public review period. By letter dated March 21, 1994, IBWC has provided their comments on Draft EA (Appendix D), JTF-6 has coordinated with IBWC staff regarding their concerns and JTF-6 response to is located in Appendix D.

U.S. Fish and Wildlife Service

The Corps of Engineers requested an updated list of endangered, threatened, and candidate species from the U.S. Fish and Wildlife Service on August 11, 1993. A reply was forwarded to the COE on September 21, 1993. A representative of the USFWS, Ms. Mary Richardson, was contacted in August 1993 by telephone and the results of the field survey were conveyed; no comments were conveyed during preparation of Draft EA. USFWS comment letter, dated March 31, 1994 and response to their comments are located in Appendix D.

Bureau of Land Management (BLM)

On August 20, 1993, COE coordinated with Mr. Greg Yuncevich regarding the fence construction at the U.S./Mexico border. He indicated that they do not have jurisdiction within the 60-foot strip of land along the border. BLM requested a copy of the Draft EA for review; a copy was provided during the public review period.

Corps of Engineers (Regulatory Branch)

During preparation of the Draft EA, project construction was coordinated with Regulatory Branch (Phoenix and Los Angeles) regarding required regulatory permit. The project qualifies for Nationwide Permit No. 14, Road Crossing [33 CFR Parts 330, Appendix A(B)(14)]. Culverts will be installed along the roadbed so the roads will be passable by Border Patrol vehicles. The construction area disturbed at each crossing (wash) will be less than 1/3 of an acre in the waters of the United States. Regulatory Branch's approval letter dated March 23, 1994 is located in Appendix D.

Arizona Department of Environmental Quality

On August 20, 1993, COE staff informally, coordinated the proposed action with Ms. Melinda Longsworth, (ADEQ, Tucson, Arizona). She indicated that to meet their requirements and comply with State water quality standards WQMS 301.030 should be submitted to ADEQ (Appendix B) and the project should be coordinated with ADEQ Phoenix office for Water Quality Certification and Storm Water Permit requirements.

On August 26 and December 21, 1993, COE coordinated with Mr. Jim Matt (ADEQ, Phoenix) regarding requirements for State Water Quality Certification. He stated that because the project qualifies for Nationwide Permit No. 14, Road Crossing, the project is considered pre-certified for State Water Quality
R Certification. Draft EA was provided for their review during public review period and their comment letter is located in Appendix D.

On December 20, 1993, COE staff informally coordinated with Mr. Robert Wilson, (ADEQ, Phoenix), for project Storm Water Permit requirements. Mr. Wilson indicated that if the project disturbs more than 5 acres of land, a Storm Water Permit is required. However, less than 5 acres of land will be graded for construction and thus a storm water Permit is not required.

Arizona Department of Game and Fish

The Corps of Engineers requested a list of state sensitive species from the Arizona Department of Game and Fish on August 11, 1993. A response is pending. A representative of the ADGF, Mr. Rick Gerhart, in Tucson, Arizona was contacted to convey the scope of the project and discuss the results of the field survey in August 1993. The ADGF was contacted on April 8, 1994 to request their comments, if available, be forwarded to the Corps.

Arizona Department of Agriculture

The Corps of Engineers requested comments from the Arizona Department of Agriculture, Phoenix, in a letter dated August 11, 1993, regarding the proposed project. The project was coordinated with the field office in Bisbee, Arizona, to inform them of the project and seek permit applications for the removal of vegetation. No permits are required as this project occurs within the sixty foot right of way along the border and a Federal action does not require a permit. The ADA office in Bisbee, Arizona was contacted on April 4, 1994 to inquire about guidelines for removal and disposal of vegetation likely to be removed in the course of construction; their response is pending.

Arizona State Historic Preservation Officer

This project has been coordinated with Arizona State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800) in a letter dated August 27, 1993. In a letter dated September 23, 1993 the SHPO concurred with our determination that the proposed fence construction will not effect properties which are listed in, or eligible for the National Register of Historic Places (Appendix C).

8.2 Informal Coordination with Naco Residents: Informal coordination with Naco residents concerning fence construction is summarized in the following paragraphs.

R On August 14, 1993, COE staff informally coordinated fence construction with Mr. Jorge Valenzuela, President of School Board and Chairman of Border Wall Committee, Naco Community Association. Mr. Valenzuela stated that the steel landing mat fence was needed as soon as possible for the safety of Naco residents. Recently, a number of incidents such as burglary, illegal transportation of drugs, and shootings have occurred. A letter from Mr. Valenzuela dated August 17, 1993, and a copy of citizen petition are included in Appendix C. The petition, signed by 183 people, is on file at COE, Los Angeles District office.

Fence construction was also informally coordinated with Mr. Max Bishop, President of Naco Community; he indicated that the landing mat fence is necessary and should be constructed as soon as possible for the protection of the town and to prevent illegal activities in Naco.

9.0 COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

9.1 National Environmental Policy Act (NEPA), as amended. This Environmental Assessment has been prepared in accordance with the requirements of the Act and with the Council of Environmental Quality Regulations for implementing NEPA.

9.2 Clean Water Act, as amended. In compliance with Section 404 of the act, a 404(b)(1) has been prepared (Appendix A). The proposed fence construction and road improvement passes through few washes and at these locations culverts would be installed. State of Arizona water quality form WQMS - 301.030 has been prepared in compliance with Arizona Department of Environmental Quality requirements (Appendix B). The proposed project qualifies for Regulatory Permit under the Nationwide permit No. 14, Road Crossing (coordination with COE, Regulatory Branch,

Arizona and Los Angeles). The project is pre-certified for Arizona Water Quality Certification. Project-related grading will be less than five acres; therefore, a Storm Water Permit will not be required. Provisions of the Clean Water Act are complied with.

9.3 Clean Air Act, as amended . The proposed construction will not significantly impact the air quality in this area. During construction a watering program will be employed to reduce fugitive dust. The project-related impacts are short term and minor.

9.4 National Historic Preservation Act, as amended. A letter has been sent to the Arizona State Historic Preservation Officer (SHPO) transmitting our determination that the proposed project will not effect NRHP properties. The SHPO concurred with our determination in a letter dated September 23, 1993. This coordination constitutes compliance with Section 106 of the Act (36 CFR 800).

9.5 Endangered Species Act of 1973, as amended (Public Law 93-205). The Corps of Engineers requested a list of species from the U.S. Fish and Wildlife Service on August 11, 1993 in compliance with Section 7 of the Act. The proposed project will not affect any endangered species which may potentially occur in the project area. Formal consultation pursuant to this Act is not required.

9.6 Fish and Wildlife Coordination Act (Public Law 85-624). The project will not impound, divert, or deepen the channel of any stream or other body of water. The project will not otherwise control or modify any stream or body of water as described 16 USC 662 (a). Therefore, the Fish and Wildlife Coordination Act is not applicable to this project. The Corps has coordinated this project with the U.S. Fish and Wildlife Service and the Arizona Department of Game and Fish.

9.7 Executive Order 11990, Protection of Wetlands. Wetlands protection includes avoidance to the maximum extent possible of long and short term adverse impacts associated with the destruction or modification of wetlands and avoidance of support of new construction in wetlands. The proposed project involves no new construction or maintenance in wetlands and is in compliance with the Executive Order.

9.8 Arizona Native Plant Law. The law requires contacting the Arizona Department of Agriculture sixty days prior to commencement of a project which may result in the removal of protected species. The project is not required to comply with this State regulation since it is located on Federal land. However, sensitive plants will be avoided or relocated where possible.

10.0 ENVIRONMENTAL COMMITMENTS

10.1 Prior to construction, JTF-6 will inform IBWC of approximate construction start date, type of equipment and number of personnel involved.

10.2 The proposed project will not impact monuments located along the U.S. and Mexico border. The staging area will not be placed near the International Boundary. Construction waste materials will be disposed of in local approved land fills.

10.3 Road improvements will be limited to the current width and therefore no cultural resources will be impacted. If previously unidentified cultural resources are encountered during construction JTF-6 will comply with 36 CFR 800.11.

10.4 Appropriate control techniques will be utilized during construction of the culverts to minimize turbidity.

10.5 A watering program will be employed during construction to minimize fugitive dust; the water will be obtained from a local water supply and will be free of contaminants.

10.6 Clean material will be used to construct structures; no polluted silts or other material will be placed in the washes; construction debris and rock will be removed upon completion of the project; and surfaces will be periodically cleaned after storm events.

10.7 Construction debris as a result of culvert placement will be removed and will be disposed of properly. Oil and grease potentially generated in course of the construction will be disposed of properly.

10.8 A qualified biologist familiar with the Environmental Assessment, and environmental commitments will be present at critical times during mobilization, construction, and demobilization to monitor the project.

10.9 Areas that are designated as turn-out sites for construction vehicles will be flagged to avoid agave plants or other sensitive plants located in the project area.

10.10 Any desert tortoises encountered in the course of the construction will be properly removed from the construction zone utilizing Arizona Department of Game And Fish techniques.

R 10.11 The agave which exists along the fenceline will be removed and transplanted, if necessary, under the guidance of a qualified

COE, FWS, or ADA biologist; native vegetation which can be salvaged, where feasible, upon advice of the Arizona Department of Agriculture.

R 10.12 Fence materials taken down to accommodate the steel mat fence will be disposed of properly.

11.0 LIST OF PREPARERS AND REVIEWERS

Ms. Joy Jaiswal, Environmental Protection Specialist

Mr. Stephen Dibble, Senior Archaeologist, Cultural Resources

Dr. Emily Carter, Ecologist, Biological Resources

Ms. Laura Tschudi, Chief, Environmental Design Section, Reviewer

LTC. Mark DeHarde, Staff Engineer-J3, Joint Task Force - Six Reviewer

Mr. Milton Blankenship, Environmental Protection Specialist, Joint Task Force Six, Reviewer

Mr. John Munch, U.S. Border Patrol, Naco, Reviewer

12.0 REFERENCES

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FIGURES

FOR

BORDER FENCE CONSTRUCTION AND ROAD REPAIR
NACO, COCHISE COUNTY, ARIZONA
JT044-94

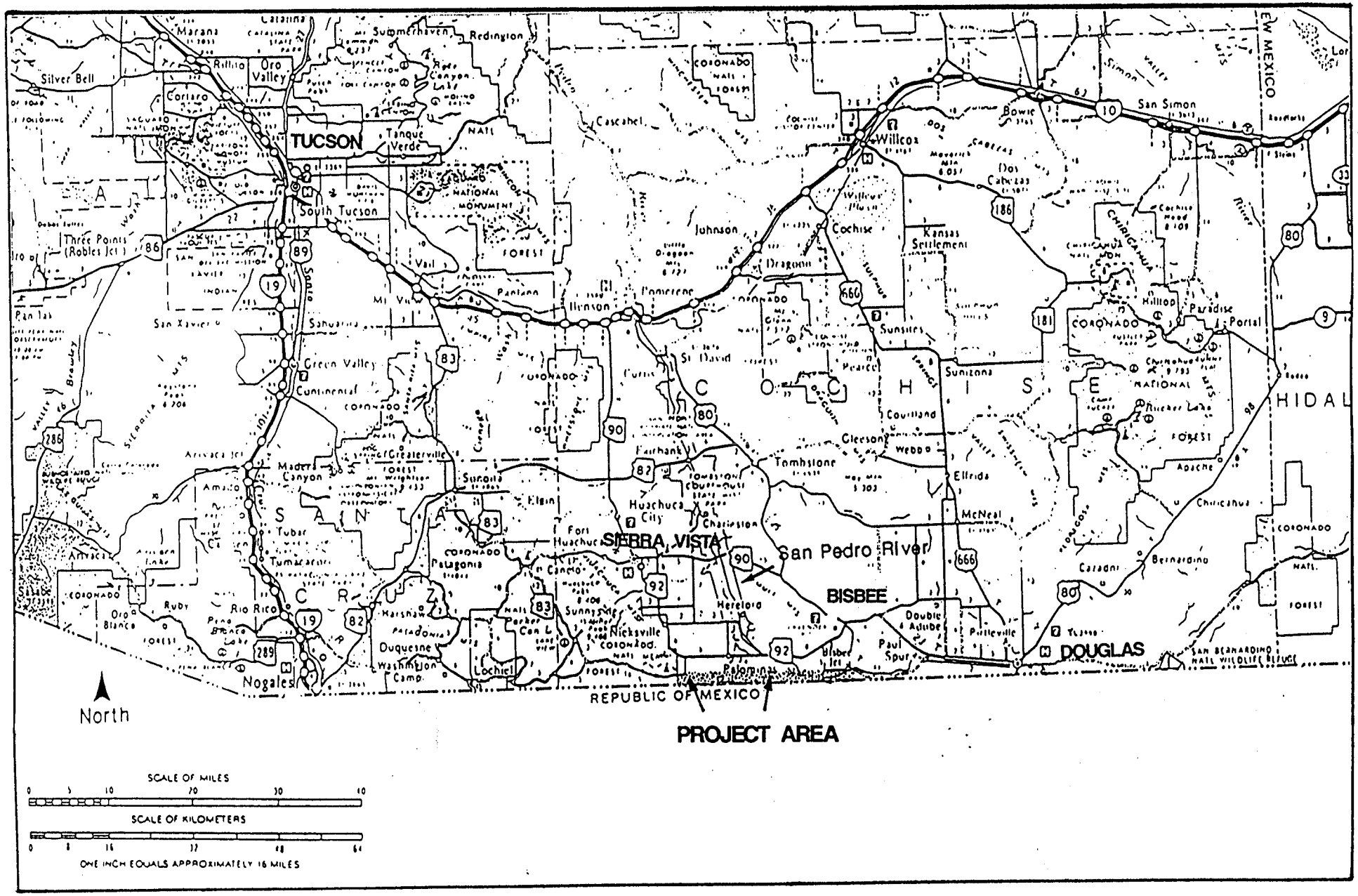
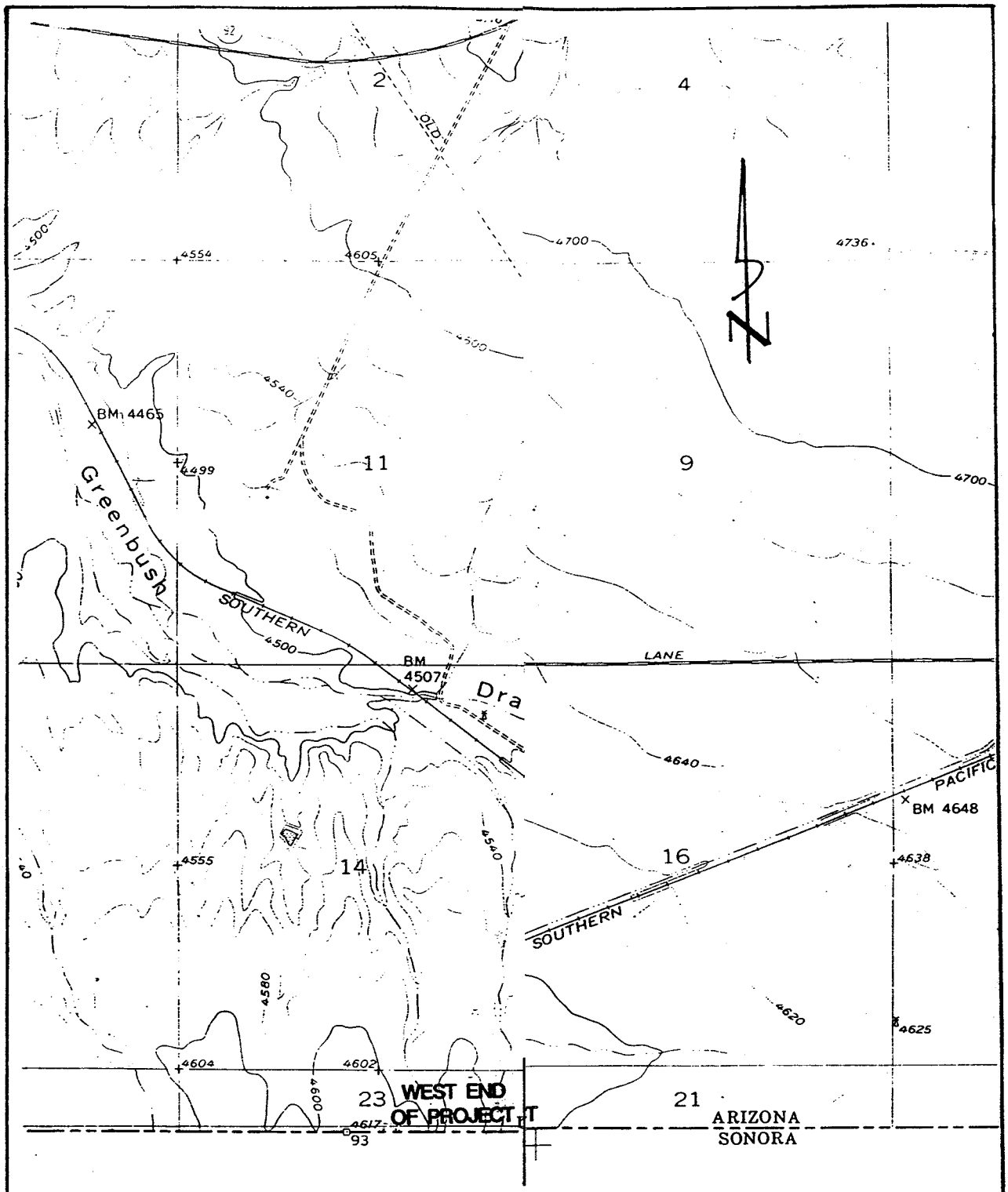


Fig. 1 PROPOSED PROJECT LOCATION AND VICINITY

NACO, COCHISE COUNTY, ARIZONA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OF PROJECT
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APPENDIX A

SECTION 404(b)(1) WATER QUALITY EVALUATION
(CLEAN WATER ACT)

FOR

BORDER FENCE CONSTRUCTION AND ROAD REPAIR
NACO, COCHISE COUNTY, ARIZONA
JT-044-94

THE EVALUATION OF THE EFFECTS
OF THE DISCHARGE OF DREDGED OR FILL MATERIAL
INTO THE WATERS OF THE UNITED STATES
(Section 404 [b][1] Evaluation)
JTF-6 BORDER FENCE CONSTRUCTION AND ROAD MAINTENANCE
NACO, COCHISE COUNTY, ARIZONA

I. INTRODUCTION. The following evaluation is provided in accordance with Section 404 (b)(1) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500) as amended by the Clean Water Act of 1977 (Public Law 95-217). Its intent is to succinctly state and evaluate information regarding the effects of discharge of dredged or fill material into the waters of the United States. As such, it is not meant to stand alone, and it relies heavily upon information provided in the environmental document to which it is attached. Citations in brackets [ ] refer to expanded discussion found in the Environmental Assessment (EA), to which the reader should refer for details.

II. PROJECT DESCRIPTION.

A. Location [1.0, 2.0, Map 1]: The project area is located along the U.S. and Mexico border in Naco, Cochise County, Arizona. Construction and maintenance will extend approximately 1.5 miles east and 1.5 miles west of the Naco Port of Entry (POE). Road maintenance and culvert installation will take place between approximately 0.5 mile east and 0.5 mile west of the POE.

R B. General Description [1.0, 4.1, 4.2]: The proposed action consists of replacement of the existing chain-link fencing with 10 feet high steel landing mat fence, installation of culverts at approximately six locations along the washes, and improvement of approximately 1 mile of road along U.S./Mexico border at Naco, Arizona. The fence construction is approximately three (3) miles long and will be installed 1-1/2 miles east and 1-1/2 miles west of the Port of Entry (POE) at Naco, Arizona.

C. Authority and Purpose [3.0]: The Secretary of Defense established Joint Task Force Six (JTF-6) on 13 November 1989. The purpose of Joint Task Force Six (JTF-6) Naco is to provide the U.S. Border Patrol, and other concerned agencies, with improved access to the border areas to spot and interdict drug trafficking.

D. Description of the Proposed Discharge Sites [1.0, 4.1]: The proposed discharge sites are washes located within approximately 0.5 mile east and 0.5 mile west of the POE (four east of POE and two west of POE) where water and sewage from Mexico accumulates.

E. Description of Disposal Method: About 50 cubic yards (CY) of fill material will be required at each culvert location except for one culvert west the of POE which will require about 500 CY of material to raise the road elevation to the fence line
R and ensure that the road is passable. Fill material required for the culverts, and road will be obtained from Chemstar Limestone site located about 15 to 20 miles east of Naco. Only clean fill material will be used.

III. FACTUAL DETERMINATIONS.

A. Disposal Site Physical Substrate Determinations:

1. Substrate Elevation and Slope: The project is located in the highlands of south-central Arizona. The project is situated in a high valley setting at an elevation of about 4,000 feet above mean sea level. The region is characterized by numerous low, rugged mountain ranges separated by valleys.

2. Sediment type: During construction of culverts, sand and/or dirt particles may erode from the washes, therefore, sediment will be compatible with the material found in the washes.

3. Dredged/Fill Material Movement: No significant movement of fill material is anticipated. In the event of heavy rains, construction would be temporarily suspended until the project areas are suitable for continued construction.

4. Physical Effects on Benthos: Not applicable to the proposed project.

5. Other effects:

Impact: __X__N/A _____INSIGNIF. _____SIGNIF.

6. Action Taken to Minimize Impacts:

Needed: __X__ Yes ____ No

III. Effect on Water Circulation, Fluctuation, and Salinity Determinations:

A. Effect on Water [6.3]. The following potential impacts were considered:

1. Salinity	_____N/A	__X__INSIGNIF.	____SIGNIF.
2. Water Chemistry (pH, etc.)	_____N/A	__X__INSIGNIF.	____SIGNIF.
3. Clarity	_____N/A	__X__INSIGNIF.	____SIGNIF.

4. Color	N/A	X	INSIGNIF.	SIGNIF.
5. Odor	N/A	X	INSIGNIF.	SIGNIF.
6. Taste	N/A	X	INSIGNIF.	SIGNIF.
7. Dissolved gas levels	N/A	X	INSIGNIF.	SIGNIF.
8. Nutrients	N/A	X	INSIGNIF.	SIGNIF.
9. Eutrophication	N/A	X	INSIGNIF.	SIGNIF.
10. Others	N/A	X	INSIGNIF.	SIGNIF.

B. Effect on Current Patterns and Circulation. The potential of discharge or fill on the following conditions were evaluated:

1. Current Pattern & Flow	N/A	X	INSIGNIF.	SIGNIF.
2. Velocity	N/A	X	INSIGNIF.	SIGNIF.
3. Stratification	N/A	X	INSIGNIF.	SIGNIF.
4. Hydrology Regime	N/A	X	INSIGNIF.	SIGNIF.

C. Effect on Normal Water Level Fluctuations: The potential effect of discharge or fill on tide and river stages is not applicable to this project.

IV. Suspended Particulate/Turbidity Determinations at the Disposal Site. Project construction is scheduled to occur Between end of April and late July, 1994. The washes will be
R dry during most of this period; however, some summer storms can be expected. In the event of heavy rains or flooding, construction would be temporarily suspended. Construction of culverts will reduce erosion, therefore, turbidity will be reduced.

A. Expected Change in Suspended Particulate and Turbidity levels in Vicinity of Disposal Site: These impacts are considered insignificant because they will be distributed over a relatively small area and will be short term in duration.

Impact:	N/A	X	INSIGNIF.	SIGNIF.

B. Effects (degree and duration) on Chemical and Physical Properties of the Water Column.

1. Light Penetration	N/A	X	INSIGNIF.	SIGNIF.
2. Dissolved Oxygen	N/A	X	INSIGNIF.	SIGNIF.
3. Toxic Metals & Organic	N/A	X	INSIGNIF.	SIGNIF.
4. Pathogen	N/A	X	INSIGNIF.	SIGNIF.
5. Esthetics	N/A	X	INSIGNIF.	SIGNIF.
6. Others	N/A	X	INSIGNIF.	SIGNIF.

C. Effects of Turbidity on Biota: These impacts are considered insignificant because washes within the project

area are dry, involve a relatively small area and will be short term in duration.

1. Primary Productivity	____N/A	__X__INSIGNIF.	____SIGNIF.
2. Suspension/Filter Feeders	____N/A	__X__INSIGNIF.	____SIGNIF.
3. Sight feeders	____N/A	__X__INSIGNIF.	____SIGNIF.

Actions taken to minimize impacts: In case of a major storm or flood, project construction in and near the washes will be suspended until washes become dry.

V. Contaminant Determination

No chemical or biological impacts are expected at the disposal site.

VI. Effect on Aquatic Ecosystem and Organism Determinations:

A. The Following ecosystem effects were evaluated: The proposed action would have no significant effect on aquatic organisms, special aquatic sites, or threatened and endangered species.

1. On Plankton	____N/A	__X__INSIGNIF.	____SIGNIF.
2. On Benthos	____N/A	__X__INSIGNIF.	____SIGNIF.
3. On Nekton	____N/A	__X__INSIGNIF.	____SIGNIF.
4. Food Web	____N/A	__X__INSIGNIF.	____SIGNIF.

Sensitive Habitats:

1. Sanctuaries, refuges	__X_N/A	_____INSIGNIF.	____SIGNIF.
2. Wetlands	____N/A	__X__INSIGNIF.	____SIGNIF.
3. Mudflats	__X_N/A	_____INSIGNIF.	____SIGNIF.
4. Eelgrass beds	__X_N/A	_____INSIGNIF.	____SIGNIF.

Riffle and Pool Complexes

_X___N/A____INSIGNIF.____SIGNIF.

Threatened & Endangered Species

__X__N/A____INSIGNIF.____SIGNIF.

Other Wildlife (grunion,trout)

____N/A__X__INSIGNIF.____SIGNIF.

Actions to Minimize Impacts: None required.

VII. Proposed Disposal Site Determinations: Is the mixing zone for the disposal site confined to the smallest practicable Zone?

Yes. WQMS-301.030 forms have been submitted to the Arizona Department of Environmental Quality to document

compliance with Arizona State Water Quality Standards.

VIII. Determination of Cumulative Effects of Disposal or Fill on the Aquatic Ecosystem: No significant cumulative impacts are anticipated as a result of proposed project.

Impacts: ____N/A__X__INSIGNIF.____SIGNIF.

IX. Determination of Indirect Effects of Disposal or Fill on the Aquatic Ecosystem:

Impacts: ____N/A__X__INSIGNIF.____SIGNIF.

X. FINDING OF COMPLIANCE.

A review of the proposed project indicates that:

A. The discharge represents the least environmentally damaging practicable alternative and if in a special aquatic site, the activity associated with the discharge must have direct access or proximity to, or be located in the aquatic ecosystem to fulfill its basic purpose

___X__YES _____NO

B. The activity does not appear to: 1) violate applicable state water quality standards or effluent standards prohibited under Section 307 of the CWA; 2) jeopardize the existence of Federally listed endangered or threatened species or their habitat; and 3) violate requirements of any Federally designated marine sanctuary.

__X___ YES ____ NO

C. The activity will not cause or contribute to significant degradation of waters of the U.S. including adverse effects on human health, life stages of organisms dependent on the aquatic ecosystem, ecosystem diversity, productivity and stability, and recreational, aesthetic, and economic values;

___X__YES ____NO

D. Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem.

___X___YES ____NO

On the Basis of the Guidelines, the Proposed Disposal Site(s) for the Discharge of Dredged or Fill Material is:

_____ (1) Specified as complying with the requirements of these guidelines; or,

__X__ (2) Specified as complying with the requirements of these guidelines, with the inclusion of appropriate and practical conditions to minimize pollution or adverse effects on the aquatic ecosystem; or,

_____ (3) Specified as failing to comply with the requirements of these guidelines.

APPENDIX B

WQMS-301.030
APPLICANTS RESPONSE TO ARIZONA WATER QUALITY CONTROL COUNCIL POLICY FOR CONSTRUCTION AND RELATED ACTIVITIES IN WATER,
ADOPTED APRIL 13, 1977
REVISED JANUARY 3, 1990

FOR

BORDER FENCE CONSTRUCTION AND ROAD REPAIR
NACO, COCHISE COUNTY, ARIZONA
JT044-94

APPLICANT'S RESPONSE TO ARIZONA WATER QUALITY CONTROL COUNCIL POLICY FOR CONSTRUCTION AND RELATED ACTIVITIES IN WATER, ADOPTED APRIL 13, 1977.

Prepared by: US ARMY CORPS OF ENGINEERS FOR JTF-6 Date: 3/3/94

U. S. Army Corps of Engineers Public Notice Number qualifies for Nationwide Permit #14, Road Crossing

For each policy, please describe the procedures, practices and/or facilities that will (a) minimize potential pollution of surface waters and (b) demonstrate compliance with State water quality standards (A.A.C. Title 18, Chapter 11, Articles 1, 2 and 3). Please note that the waters of the State include all watercourses, and perennial or intermittent streams (A.R.S. §49-201.31).

POLICY (1) Provision for temporary pollution control measures including dikes, basins, ditches and application of straw and seed.

At present, and during most of the year, all washes are dry. However in the event of heavy rains that cause flooding, construction would be halted until the washes dry up. Care will be taken to ensure that no construction silt, debris or other potentially polluting materials are deposited in the washes. In addition, the following prevention measures will be used: clean material will be used to construct structures; debris and rock that may have fallen into a wash will be removed upon completion of the project; refueling and emergency repair areas will be located away from washes; and spills will be reported immediately, and contained with earthen dikes or sand bags and remedied immediately.

POLICY (2) Erosion control measures including minimizing clearing and grubbing and limiting exposure of erodible surface to 750,000 square feet for each location.

Minimum vegetation will be disturbed during fence construction and road maintenance. The road will be improved within the existing footprint. Minimum grubbing or clearing is planned.

POLICY (3) Construction of footings in water by sheet pile cofferdam method and pumping water from within the dam to settling ponds before returning it to the water.

Policy No. 3 is not applicable to this project.

POLICY (4) Isolation of the construction area by sand dikes.

Policy No. 4 is not applicable to the proposed project.

POLICY (5) Erection of barriers, covers, shields and other protective devices as necessary to prevent any construction materials, equipment or contaminants from falling or being thrown into the water.

Prevention measures are discussed in Policy (1).

POLICY (6) Construction of drainage facilities to control erosion and sedimentation.

Corrugated steel pipe culverts will be installed in several washes. They will be compacted within the washes to prevent erosion and/or ponding. Sand bags will be used to stabilize the banks.

POLICY (7) Provision of an adequate means, such as a bypass channel, to carry a stream free from mud and silt around operations to remove material from beneath a flowing stream.

Placement of structures will occur while washes are inactive and dry; no materials will be removed from flowing stream channels.

POLICY (8) A requirement for transportation of materials across live streams to be conducted without muddying the stream. Mechanized equipment should not be operated in stream channels of live streams except as may be necessary to construct crossings or barriers and fills at channel changes.

Equipment will not transport material across or operate in flowing streams.

POLICY (9) A requirement for wash water from aggregate washing or other operations containing mud or silt to be treated by filtration or retention in a settling pond, or ponds, adequate to prevent muddy water from entering live streams.

This policy is not applicable to this project.

POLICY (10) A requirement for oily or greasy substances originating from the contractor's operations not be placed where they will later enter a live stream.

Construction personnel will immediately clean and properly dispose of any oils or greases accidently spilled. Other prevention measures are discussed in Policy (1).

POLICY (11) Provisions for Portland cement or fresh Portland cement concrete not be allowed to enter flowing water of streams.

All pouring of cement will be accomplished in dry washes only. ~~No plans to use any concrete mixtures are anticipated.~~

POLICY (12) A requirement to return the flow of streams as nearly as possible to a meandering thread without creating a possible future bank erosion problem when operations are completed.

Stream flows will not be altered from their original course by this project.

POLICY (13) A requirement that material derived from roadway work should not be deposited in a live stream channel where it could be washed away by high stream flows.

Care will be taken so that material will not be washed or deposited in a stream area. If this should occur work crews will remove the material to a safe position. Roads will be compacted utilizing culverts with either wingwalls or headwalls to protect all roadways and stream banks from erosion and to keep water flow in the direction of the original washes.

POLICY (OTHER POLLUTANTS) A requirement that plans and procedures be prepared for facilities and activities within a watercourse to protect water from pollution with fuels, oil, bitumens, calcium chloride and other harmful materials.

Clean material will be used to construct structures; no polluted silt or other material will be placed in the washes. In addition, to reduce the potential for spills, refueling and repair areas will be located away from washes. Debris and rock will be removed upon completion of the project. Debris that has polluted washes within the project area will be cleaned up by project personnel.

POLICY (MONITORING) The person responsible for the activity should be required to monitor for turbidity every day in which there is a disturbance of the bed of the waterway. Monitoring should be performed not greater than 1.5 miles downstream from the construction or related operations, and may be required at different frequencies and for other parameters to demonstrate compliance with water quality standards.

Placement of water control structures in the washes will occur while all washes are dry. This project will be closely supervised to comply with water quality standards.

ADDITIONAL INFORMATION

APPENDIX C

CORRESPONDENCE AND MAILING LIST

FOR

BORDER FENCE CONSTRUCTION AND ROAD REPAIR
NACO, COCHISE COUNTY, ARIZONA
JT044-94

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2711
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO ATTENTION OF

August 11, 1993

Office of the Chief
Environmental Resources Branch

Mr. Sam F. Spiller
Field Supervisor
U.S. Fish and Wildlife Service
3616 W. Thomas, Suite 6
Phoenix, Arizona 85019

Dear Mr. Spiller:

The Los Angeles District, U.S. Army Corps of Engineers (COE), requests a current list of any endangered, threatened, proposed and candidate species which may be affected by the proposed Joint Task Force Six (JTF-6) operations to be conducted at several locations in the state of Arizona. This request is pursuant to Section 7 of the Endangered Species Act of 1973 (as amended).

The proposed JTF-6 projects to be implemented in FY 1994 will be located at three sites in proximity to the international boundary between the United States and Mexico and four mountain locations in Mohave County, Arizona. The scope of the proposed projects includes fence construction, road construction, and establishment of communication facilities at specific sites. Descriptions and locations of each proposed action are included in this communication (Enclosure).

We would appreciate your response within thirty days or earlier, if possible, with separate lists for each project identified in this communication. If additional information or clarifications are necessary, please contact Dr. Emily Carter at (213) 894-5082.

Thank you for your assistance in this request.

Sincerely,

Robert S. Joe
Chief, Planning Division

Enclosure

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P O BOX 2711
LOS ANGELES, CALIFORNIA 90053-2325

August 11, 1993

REPLY TO
ATTENTION OF

Office of the Chief
Environmental Resources Branch

Mr. Dave Walker
Heritage Management System Manager
Arizona Department of Game and Fish
2221 West Greenway Road
Phoenix, Arizona 85023

Dear Mr. Walker:

The Los Angeles District, U.S. Army Corps of Engineers (COE), requests a current list of any State listed endangered, threatened, or sensitive species which may be affected by the proposed Joint Task Force Six (JTF-6) operations to be conducted at several locations in the state of Arizona.

The proposed JTF-6 projects to be implemented in FY 1994 will be located at three sites in proximity to the international boundary between the United States and Mexico and four mountain locations in Mohave County, Arizona. The scope of the proposed projects includes fence construction, road construction, and establishment of communication facilities at specific sites. Descriptions and locations of each proposed action are included in this communication (Enclosure).

We would appreciate your response within thirty days, or earlier, if possible, or earlier, with separate lists for each project identified in this communication. If additional information or clarifications are necessary, please contact Dr. Emily Carter at (213) 894-5082.

Thank you for your assistance in this request.

Sincerely,

Robert S. Joe
Chief, Planning Division

Enclosure

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2711
LOS ANGELES, CALIFORNIA 90053-2325

August 11, 1993

REPLY TO
ATTENTION OF

Office of the Chief
Environmental Resources Branch

Mr. James McGinnis
Manager, Native Plant Law
Plant Services Division
Arizona Department of Agriculture
1688 West Adams
Phoenix, Arizona 85007

Dear Mr. McGinnis:

The Los Angeles District, U.S. Army Corps of Engineers (COE), wishes to notify your agency of proposed actions to be undertaken by Joint Task Force Six (JTF-6) at several locations in the state of Arizona. Please advise our agency of special requirements or permits which may be necessary to complete the proposed actions.

The proposed JTF-6 projects to be implemented in FY 1994 will be located at three sites in proximity to the international boundary between the United States and Mexico and four mountain locations in Mohave County, Arizona. The scope of the proposed projects includes fence construction, road construction, and establishment of communication facilities at specific sites. Descriptions and locations of each proposed action are included in this communication (Enclosure).

We would appreciate your response within thirty days, or earlier, if possible, with separate lists for each project identified in this communication. If additional information or clarifications are necessary, please contact Dr. Emily Carter at (213) 894-5082.

Thank you for your assistance in this request.

Sincerely,

Robert S. Joe
Chief, Planning Division

Enclosure

PROJECT DESCRIPTIONS

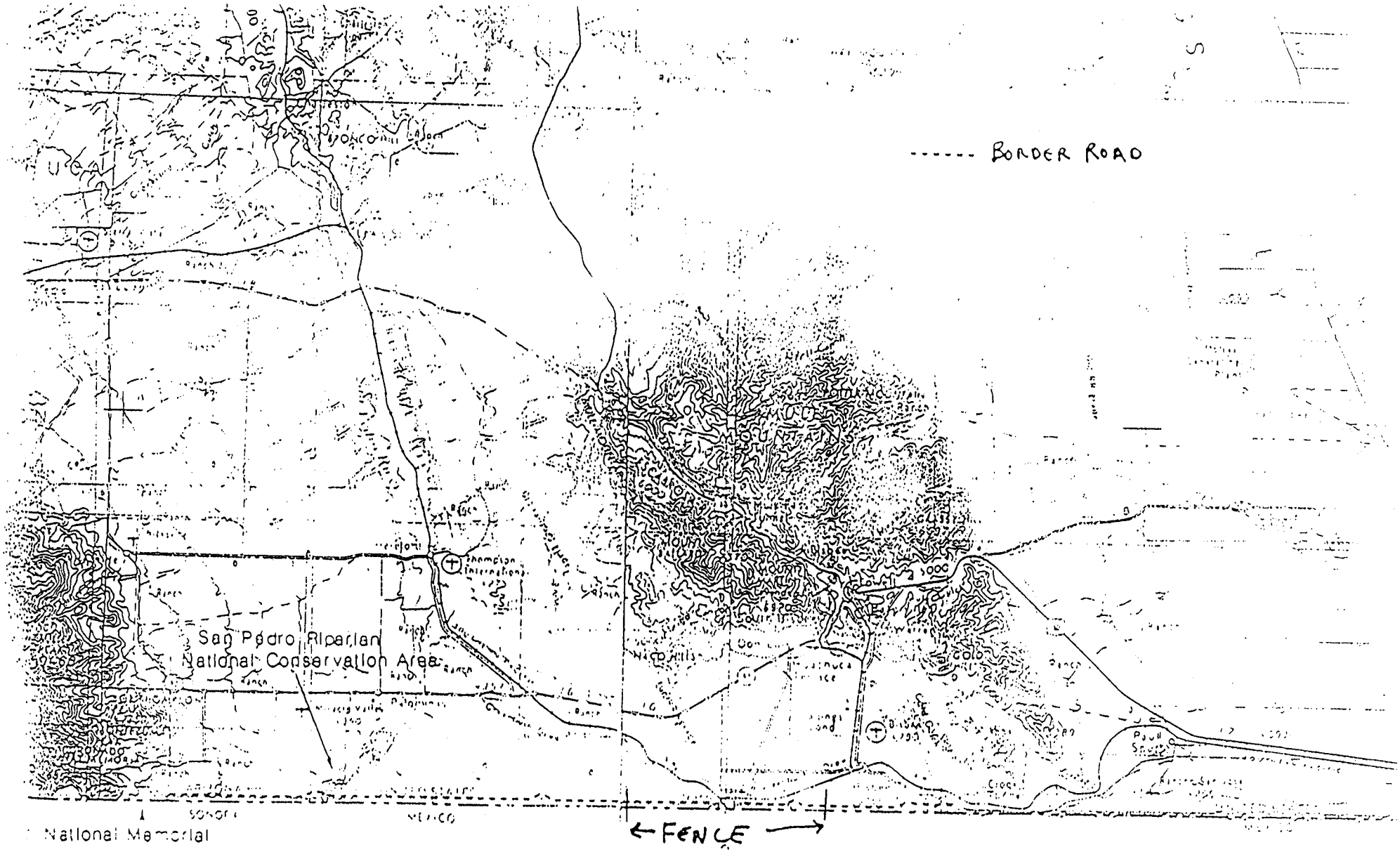
FENCE/ROAD CONSTRUCTION AND IMPROVEMENTS

INTERNATIONAL BOUNDARY/UNITED STATES AND MEXICO

1. Fence Repair and Upgrade, Naco, Arizona. The project consists of replacing existing chain link fencing with steel landing mats east and west of the Port of Entry (POE). The total extent of fencing to be placed is approximately six miles extending three miles east and west of the POE. The full extent of the fence will depend upon availability of materials. Construction is expected to last five to six months commencing in October 1993 and access to the site will be on roads constructed in proximity to the border in 1993.

2. Fence Repair and Upgrade, Douglas, Arizona. The project consists of replacing existing chain link and barbed wire fencing with steel landing mats for approximately two miles. The configuration of the fence upgrade consists of replacement of 1.5 miles of existing fence east and 0.5 miles west of the POE. The duration of the project is expected to be four months commencing in February 1994 with access provided to the site via roads established in 1993.

3. Fence Repair/Upgrade, Installation of Camera Sites, and Road Construction, Nogales, Arizona. The project consists of replacing chain link and barbed wire fence with steel landing mat panels for approximately four miles. The fence configuration is expected to consist of 1.5 miles east of the Nogales POE, 0.5 miles west of the truck POE and 2.0 miles between the two POEs. Three camera stands will be built and will occupy an area approximately 10 x 10 feet and access roads established or improved. New roads will be established parallel to the fence and to each camera location and accessed by existing roads or roads to be established. Construction is expected to be eight months and will commence in January 1994.



Map of

Naco Border FENCE

North

JORGE C. VALENZUELA
Box 128-218 First Street
Naco, Arizona 85620
Home 602-432-5209
Work 602-538-0686

August 17, 1993

Joy Jaiswal
U.S. Army Corps of Engineers
Environmental Design Section
ATTN: CESPL-PD-RL
P.O. Box 2711
300 N. Los Angeles St.
Los Angeles, CA 90053

Dear Ms. Jaiswal:

Enclosed is a copy of the petition we talked about during our August 14, 1993 conversation.

Although the petition does not address the "border wall" specifically, you will find that it does "request that the U.S. Border Patrol PREVENT illegal crossings into the U.S....".

If one can presume that an objective of the border wall is to PREVENT illegal entry into the U.S., then this petition should be construed as an endorsement of the planned border wall.

Since Naco, Arizona, is not an incorporated city, we use the Naco Community Association as the vehicle through which we interface with other governmental agencies and express the desires and concerns of the community.

At a Naco Community Association meeting held a few months ago, over 20 Naco residents unanimously expressed their support for the border wall. At the most recent Naco Community Association meeting held August 15, 1993, I was tasked to form a committee to oversee border wall issues.

Please use this letter and petition as you see fit to promote our continued endorsement of the border wall. Please also express to whom it may concern our desire to see an expeditious construction of the border wall.

PETITION SIGNED BY NACO RESIDENTS
FOR

BORDER FENCE CONSTRUCTION
NACO, COCHISE COUNTY, ARIZONA
JT-044-94

We the undersigned residents of Naco, and Cochise County, Arizona, request that the U.S. Border Patrol PREVENT illegal crossings into the United States. Current Border Patrol philosophy of allowing entry into the U.S. to enhance possibility of capture of drugs is not consistent with protection of U.S. citizens. Like the aerostat at Fort Huachuca, Arizona, the success of the Border Patrol should be gauged by the number of people it DOESN'T apprehend; i.e., the less people apprehended, the better proof of preventing crossings. Numbers of aliens apprehended and pounds of drugs confiscated should not be placed ahead of the security and well-being of American citizens.

Note: Signatures of individuals signing the petition are on file the at Los Angeles District, U.S. Army Corps of Engineers.

KEITH KELLY
Director

DAN F. RICE
Associate Director

Arizona Department of Agriculture

1688 West Adams, Phoenix, Arizona 85007
(602) 542-4373 FAX (602) 542-0909
PLANT SERVICES DIVISION

August 17, 1993

Mr. Robert S. Joe
Chief, Planning Division
Department of the Army
P.O. Box 2711
Los Angeles, CA 90053

RE: Fence Repair and Upgrade - NACO and Douglas
Fence Repair/Upgrade, Installation of Camera Sites, and road construction - Nogales

Dear Mr. Joe:

The Arizona Department of Agriculture has reviewed your letter of August 11, 1993, regarding the referenced projects.

A native plant survey may be required to determine if the proposed projects will have an impact on protected plant species.

The Department strongly recommends that, if plants are present, they be salvaged and the land managing agency notify the Department in writing at least sixty days before the work begins.

We will lend our assistance, if required, in the salvage of any protected plants, and will post and disseminate copies of your notice to salvage operators or interested parties, and issue permits to donate, sell, salvage or harvest the plants.

If you need additional information, please call me at (602) 542-3252.

Sincerely,

James McGinnis
Native Plant Program Manager

JM:clw

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2711
LOS ANGELES, CALIFORNIA 90053-2325

August 27, 1993

REPLY TO
ATTENTION OF

Office of the Chief
Environmental Resources Branch

Mr. James Garrison
State Historic Preservation Officer
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Mr. Garrison:

The Los Angeles District, Corps of Engineers (Corps) is assisting Joint Task Force Six in preparing an environmental assessment for the proposed Naco Fence Repair Project in Cochise County. The proposed project consists of repairing the existing barbed wire and chain link fence with surplus landing mat panels. The area of potential effects (APE) is defined as the limits of the existing fenceline, and the unpaved border road which would be used to access the fence for repair (enclosure 1). The purpose of the project is to assist the Border Patrol in preventing illegal entry into the U.S. from Mexico.

A records search and field survey of the APE was conducted by Geo-Marine, Inc. in 1991. A draft report was prepared in 1992 and is on file with your office (enclosure 2). Based on a review of this report there are three cultural resource sites near the APE. Two of these are archeological sites and are designated AZ FF:9:12 and AZ FF:9:13. Both of these sites are not considered by us to be eligible for the National Register of Historic Places (NRHP) as they do not contain information important in history and/or prehistory. They are, however, outside of the APE as we have defined it. Fence repair in these areas will be monitored to ensure avoidance.

The third resource is the Customs and Immigration Building which is listed on the NRHP. It is located approximately 100 meters north of the border fence and would not be effected.

Based on the above considerations the Corps has determined that the proposed Naco Fence Repair Project will not effect properties which are listed in, or eligible for the NRHP. If you have any questions on this project, please call Mr. Stephen Dibble, Senior Archeologist, at (213) 894-3399.

Sincerely,

Robert S. Joe
Chief, Planning Division

Enclosures

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ARIZONA ECOLOGICAL SERVICES STATE OFFICE
3616 West Thomas Road, Suite 6
Phoenix, Arizona 85019

Telephone: (602) 379-4720 FAX: (602) 379-6629

2-21-93-I-502

September 21, 1993

Robert S. Joe
Department of the Army
Corps of Engineers
P.O. Box 2711
Los Angeles, California 90053-2325

Dear Mr. Joe:

This letter is in response to your August 11, 1993, request of listed or proposed threatened or endangered species and candidate species that may occur in the seven sites proposed for Joint Task Force Six (JTF-6) projects. As requested, we are providing a separate species list for each proposed project area with the exception of Hualapai Mountain and Hayden Peak project areas due to their close proximity to one another.

Our data indicate the following listed and candidate species may occur in the proposed project area:

NACO, ARIZONA

Endangered
Lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*)
American peregrine falcon (*Falco peregrinus anatum*)
Bald eagle (*Haliaeetus leucocephalus*)

Proposed Endangered
Southwestern willow flycatcher (*Empidonax traillii extimus*)

Candidate Category 2
California leaf-nosed bat (*Macrotus californicus*)
Mexican long-tongued bat (*Choeronycteris mexicana*)
Southwestern cave bat (*Myotis velifer brevis*)
Arizona shrew (*Sorex arizonae*)
Chiricahua western harvest mouse (*Reithrodontomys megalotis arizonensis*)
Ferruginous hawk (*Buteo regalis*)
Loggerhead shrike (*Lanius ludovicianus*)

Mountain plover (*Charadrius montanus*)
Canyon (giant) spotted whiptail (*Cnemidophorus burti*)
Texas horned lizard (*Phrynosoma cornutum*)
Mexican garter snake (*Thamnophis eques*)
Desert tortoise (Sonoran population) (*Gopherus agassizii*)
Lowland leopard frog (*Rana yavapaiensis*)
Chiricahua leopard frog (*Rana chiricahuensis*)
Needle-spined pineapple cactus (*Echinomastus erectocentrus* var. *erectocentrus*)
Bartram's stonecrop (*Graptopetalum bartramii*)
Huachuca golden-aster (*Heterotheca rutteri*)

DOUGLAS, ARIZONA

Endangered
Lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*)
American peregrine falcon (*Falco peregrinus anatum*)
Bald eagle (*Haliaeetus leucocephalus*)

Proposed Endangered
Southwestern willow flycatcher (*Empidonax traillii extimus*)

Candidate Category 2
California leaf-nosed bat (*Macrotus californicus*)
Mexican long-tongued bat (*Choeronycteris mexicana*)
Southwestern cave bat (*Myotis velifer brevis*)
Canyon (giant) spotted whiptail (*Cnemidophorus burti*)
Texas horned lizard (*Phrynosoma cornutum*)
Desert tortoise (Sonoran population) (*Gopherus agassizii*)
Ferruginous hawk (*Buteo regalis*)
Loggerhead shrike (*Lanius ludovicianus*)
Mountain plover (*Charadrius montanus*)
Lowland leopard frog (*Rana yavapaiensis*)
Chiricahua leopard frog (*Rana chiricahuensis*)
Playa spider flower (*Cleome multicaulis*)
Needle-spined pineapple cactus (*Echinomastus erectocentrus* var. *erectocentrus*)
Huachuca golden-aster (*Heterotheca rutteri*)

NOGALES, ARIZONA

Endangered
Lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*)
American peregrine falcon (*Falco peregrinus anatum*)

Proposed Endangered
Southwestern willow flycatcher (*Empidonax traillii extimus*)
Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*)

Candidate Category 1
Cactus ferruginous pygmy owl (*Glaucidium brasilianum cactorum*)
Sonoran tiger salamander (*Ambystoma tigrinum stebbinsi*)
Santa Cruz beehive cactus (*Coryphantha recurvata*)

Candidate Category 2
California leaf-nosed bat (*Macrotus californicus*)
Mexican long-tongued bat (*Choeronycteris mexicana*)
Ferruginous hawk (*Buteo regalis*)
Mountain plover (*Charadrius montanus*)
Northern gray hawk (*Buteo nitidis maximus*)
Loggerhead shrike (*Lanius ludovicianus*)
Desert tortoise (Sonoran population) (*Gopherus agassizii*)
Canyon (giant) spotted whiptail (*Cnemidophorus burti*)
Lowland leopard frog (*Rana yavapaiensis*)
Chiricahua leopard frog (*Rana chiricahuensis*)
Huachuca golden-aster (*Heterotheca rutteri*)
Large-flowered blue star (*Amsonia grandiflora*)
Santa Cruz star leaf (*Choisya mollis*)
Bartram's stonecrop (*Graptopetalum bartramii*)

MOUNT PERKINS, ARIZONA

Endangered
American peregrine falcon (*Falco peregrinus anatum*)
Bald eagle (*Haliaeetus leucocephalus*)

Candidate Category 2
Hualapai southern pocket gopher (*Thomomy umbrinus hualpaiensis*)
Greater western mastiff bat (*Eumops perotis californicus*)
Spotted bat (*Euderma maculatum*)
California leaf-nosed bat (*Macrotus californicus*)
Loggerhead shrike (*Lanius ludovicianus*)
Ferruginous hawk (*Buteo regalis*)
Chuckwalla (*Sauromalus obesus*)
Arizona toad (*Bufo microscaphus microscaphus*)
Cryptantha cinerea var. *arenicola*

CROSSMAN PEAK, ARIZONA

Endangered
American peregrine falcon (*Falco peregrinus anatum*)
Bald eagle (*Haliaeetus leucocephalus*)

Candidate Category 2
Spotted bat (*Euderma maculatum*)
California leaf-nosed bat (*Macrotus californicus*)
Hualapai southern pocket gopher (*Thomomys umbrinus hualpaiensis*)
Loggerhead shrike (*Lanius ludovicianus*)
Rosy boa (*Lichanura trivirgata*)
Desert tortoise (Sonoran population) (*Gopherus agassizii*)
Chuckwalla (*Sauromalus obesus*)
Cryptantha cinerea var. *arenacola*

HUALAPAI MOUNTAIN/HAYDEN PEAK, ARIZONA

Endangered
Hualapai Mexican vole (*Microtus mexicanus hualpaiensis*)
American peregrine falcon (*Falco peregrinus anatum*)

Threatened
Mexican spotted owl (*Strix occidentalis lucida*)

Candidate Category 2
Spotted bat (*Euderma maculatum*)
California leaf-nosed bat (*Macrotus californicus*)
Hualapai southern pocket gopher (*Thomomys umbrinus hualpaiensis*)
Northern goshawk (*Accipiter gentilis*)
Ferruginous hawk (*Buteo regalis*)
Chuckwalla (*Sauromalus obesus*)
Rosy boa (*Lichanura trivirgata*)
Cryptantha cinerea var. *arenicola*

Endangered and threatened species are protected by Federal law and must be considered prior to project development. Candidate species are those which the Fish and Wildlife Service (Service) is considering adding to the threatened or endangered species list. Category 1 candidates are those which the Service has enough information to support a proposal to list. Category 2 species are those for which the Service presently has insufficient

information to support proposing to list. Although candidate species have no legal protection, we would appreciate your consideration of them in the development and planning of this project.

If any proposed action may affect riparian areas, the following concerns should be noted. The Service is concerned about the protection of riparian habitats because they are rare and declining in the southwestern United State. Since many plant and animal species only occur or are more abundant in riparian areas, protecting and conserving riparian areas is critical to preserving genetic, species, and community diversity throughout Arizona. Maintaining hydrologic and other environmental conditions that support healthy riparian ecosystems is essential to ensure the maintenance of healthy populations of plants, invertebrates, fish, amphibians, reptiles, birds, and mammals. Riparian areas also provide linear corridors critical to migratory species, such as neotropical birds, waterfowl, and certain bats. The Service recommends that effects to riparian areas be avoided or mitigated if effects cannot be avoided.

The State of Arizona protects some species not protected by Federal law. We suggest you contact the Arizona Game and Fish Department and the Arizona Department of Agriculture for state-listed or sensitive species in the project area.

In future communications on this project, please refer to consultation number 2-21-93-I-502. If we may be of further assistance, please contact Brenda Andrews or Tom Gatz.

Sincerely,

Sam F. Spiller
State Supervisor

cc: Director, Arizona Game and Fish Department, Phoenix, Arizona
Plant Program Manager, Arizona Department of Agriculture, Phoenix, Arizona

ARIZONA
STATE
PARKS

1300 W. WASHINGTON
PHOENIX, ARIZONA 85007
TELEPHONE 602-542-4174

September 23, 1993

Robert S. Joe
Chief, Planning Division
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 2711
Los Angeles, CA 90053-2325

RE: Naco Fence Repair Project, JTF-Six, DOD

Dear Mr. Joe:

Thank you for consulting with us about the above proposed project and sending us documentation of the previous survey in the area that was conducted by Geo-Marine in Texas. I have reviewed this submittal and have the following comments pursuant to 36 CFR Part 800:

1. I note that two archaeological sites known as AZ FF:9:12 and AZ FF:9:13 were previously identified during the JTF-Six road project survey. Based on the information in the Geo-Marine report, it is my opinion that both sites are eligible for inclusion in the National Register of Historic Places for their association with the Mexican revolution and American attempts to prevent incursions into the Untied States. Both sites also have the potential to provide additional information. We provided the same comments to the Corps in Fort Worth who were handling the JTF-Six road project. The report indicates that AZ FF:9:13 has been damaged, but I would like to point out this this site damage was caused by unauthorized JTF-Six activities which placed that agency out of compliance with the National Historic Preservation Act; the report implies that this site maintained integrity prior to the damage by JTF-Six. Regardless, your submittal indicates that both sites will be avoided by all project activities.

2. You indicate that the project will also be near the Naco Customs House, a National Register-listed property. You also indicate that there will be no impacts to the Customs and Immigration Building which is listed on the NRHP.

3. Provided that all three historic properties are completely avoided by this undertaking, we concur with the agency that this project should have no effect on any National Register listed or eligible properties.

We appreciate your continued cooperation with this office in complying with the historic preservation requirements for federal undertakings. If you have any questions, please contact me at 542-4174 or 542-4009.

Sincerely,

Robert E. Gasser
Compliance Coordinator
State Historic Preservation Office

ENVIRONMENTAL ASSESSMENT
AVAILABLE FOR
PUBLIC COMMENT

The Department of Defense's Joint Task Force Six Operation has proposed to construct fence and road repair at the United States/Mexico border near Naco, Arizona. The purpose of the proposed project is to support the U.S. Border Patrol in the surveillance and apprehension of illegal (drug smuggling) activities crossing the border into the United States. The Environmental Assessment for this project is available for public review and comment for a thirty (30) day period at the following locations:

Postmaster, Naco, Arizona 85620

Bisbee Public Library, 6 Main Street, Bisbee, AZ 85603 (Reference Desk)

Sierra Vista Public library, 2950 East Tacoma Sierra Vista, Arizona 85635 (Reference Desk).

Postmaster 6 Main Street, Bisbee, AZ 85603 (Information Desk).

The public comment period ends April 4, 1994. Comments received prior to this date will be incorporated into final Environmental Assessment.

Please address any comments to:

Colonel VanAntwerp, District Engineer, U.S. Army Corps of Engineers, ATTN: Ms. Laura Tschudi, Chief, Environmental Design Section, (CESPL-PD-RL) P.O. Box 2711, Los Angeles, CA 90053.

MAILING LIST FOR DRAFT ENVIRONMENTAL ASSESSMENT
FENCE CONSTRUCTION AND ROAD REPAIR
FOR
NACO ARIZONA

Ms. Vikki Kingslien
Immigration and Naturalization Service
Room 2013, 425 I Street N.W.
Washington DC 20536

Mr. Don Crawford
International Boundary and Water Commission
Commons Building-C, Suite 310
4171 N. Mesa Street
El Paso, Texas 79902

Environmental Protection Agency, Region IX
215 Fremont Street, (S-1-1)
San Francisco, California 94105

Mr. Sam Spiller
U.S. Fish and Wildlife Service
3616 S. Thomas, Suite 6
Phoenix, Arizona 85019
ATTM: Ms. Mary Richardson

U.S. Army Corps of Engineers
South Pacific Division
Environmental Resources Branch
630 Sansome Street
San Francisco, California 94111

Colonel Mark DeHarde
Joint Task Force - Six
Ft. Bliss, Texas 79916

Mr. John Munch
U.S. Border Patrol
P.O. Box 695
Naco, Arizona 85620

Robert Dummer, Biologist,
USACOE Regulatory Unit
3636 N. Central Ave Suite 760
Phoenix AZ 85012-1936

Officer In Charge
U.S. Customs Service
P.O. Box 337
Naco, Arizona 85620

Mr. Greg Yuncevich
U.S. Bureau of Land Management
R.R. 1, P.O. Box 9853
Huachuca City, Arizona 85616

Mr. Ed Lopez, Superintendent
Coronado National Memorial
4101 E. Montezuma Canyon Road
Hereford, Arizona 85615

Ms. Janice Dunn, Manager
Arizona State Clearing House
3800 N. Central Avenue, Suite 1400
Phoenix, Arizona 85012

Mr. Richard Gerhart
Arizona Department of Game and Fish
2221 W. Greenway Road
Phoenix, Arizona 85023

Mr. John Salem
Arizona Department of Agriculture
P.O. Box 1168
Douglas, Arizona 85608

Mr. James Garrison
State Historic Preservation Officer
Arizona State Parks
800 W. Adams Street
Phoenix, Arizona 85007
Attn: Mr. Bob Gasser

Mr. Dennis Sundie
Arizona Department of Water Resources
15 S. 15th Avenue
Phoenix, Arizona 85007

Mr. Joe Gibbs
Arizona Department of Environmental Quality
Office of Air Quality
3033 N. Central

Phoenix, Arizona 85012

James R Matt, P.E
Arizona Department of Environmental Quality
Water Assessment Section
3033 North Central Ave.
Mail Drop # 552
Phoenix AZ 85012

Melinda Longsworth, Hydrologist
Arizona Department of Environmental Quality,
Water Assessment
4040 East 29th Street
Tucson AZ 85711

Mr. Steve Hildreth
Arizona State Land Department
1616 W. Adams
Phoenix, Arizona 85007

Ms. Jody Klein
Cochise County Planning Department
619 Melody Lane
Bisbee, Arizona 85603

Bisbee Public Library
6 Main Street
Bisbee, Arizona 85603

Sierra Vista Public Library
2950 E. Tacoma
Sierra Vista, Arizona 85635

Mr. Dug Koppinger
Audubon Society
300 E. University, # 120
Tucson, Arizona 85705

Postmaster
Naco, Arizona 85620

Postmaster
6 Main Street
Bisbee, Arizona 85603

Sierra Vista Herald
102 Fab Avenue
Sierra Vista, Arizona 85635

Bisbee Daily Review
12 Main Street
Bisbee, Arizona 85603

Bisbee Observer
7 Bisbee Road, Suite - L
Bisbee, Arizona 85603

Mr. Dug Koppinger
Audubon Society
300 E. University, # 120
Tucson, Arizona 85705

Mr. Jim McGinnis
Arizona Department of Agriculture
1688 West Adams, Room 102
Phoenix, Arizona 85007

Mr. Jorge C. Valenzuela
Box 128-218 First Street
Naco, Arizona 85620

Mr. Salim Dpmigus
Naco Water Company
P.O. Box 307
Naco, Arizona 85620

Mr. Max Bishop
P. O. Box 4143
Bisbee, Arizona 85603

APPENDIX D

COMMENTS AND RESPONSE LETTERS

FOR

BORDER FENCE CONSTRUCTION AND ROAD REPAIR
NACO, COCHISE COUNTY, ARIZONA
JT044-94

UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ARIZONA ECOLOGICAL SERVICES STATE OFFICE
3616 West Thomas Road, Suite 6
Phoenix, Arizona 85019

Telephone: (602) 379-4720 FAX: (602) 379-6629

March 31, 1994

Colonel Robert L. VanAntwerp, Jr.
Division Engineer
U.S. Army Corps of Engineers
Los Angeles District
ATTN: Ms. Laura Tschudi, CESPL-PD-RL
P.O. Box 2711
Los Angeles, CA 90053

Dear Colonel VanAntwerp:

The Fish and Wildlife Service (Service) has reviewed the Draft Environmental Assessment (DEA) for the proposed border fence construction and road repair at Naco, Cochise County, Arizona (JT-044-94). As described in the DEA, Joint Task Force Six (JTF-6) requested that the U.S. Army Corps of Engineers (Corps) prepare the DEA for this project. The project would involve construction of a steel landing mat fence one and one-half miles in length to the east and one and one-half miles in length to the west of the Naco, Arizona Port of Entry. In addition, culverts would be installed in six locations along washes, and road improvements would be completed for one mile of the border drag road at Naco. This work would be completed by military personnel from May, 1994, to October, 1994. The Border Patrol station in Naco would be used as a staging area for construction equipment.

The purpose of the proposed project is to construct a barrier to prevent or limit the flow of illegal traffic entering the United States and to help law enforcement agencies in effectively patrolling the border area. The current condition of the chain link fence at the border allows individuals, as well as vehicles, to pass from Mexico to the United States.

The Service is providing the following comments.

Comment # 1

1. The Final Environmental Assessment (FEA) should indicate whether the troops would be U.S. Army or Marines personnel, and which division they are associated with. This information is useful in determining who is responsible for on-the-ground project activities.

Comment # 2

2. The DEA indicates that this project would involve the installation of culverts at approximately six locations along several washes, and improvement of approximately one mile of road along the U.S./Mexico border at Naco. Environmental Commitment 10.3 indicates that road improvements would be limited to the current width of the road in order to avoid impacts to cultural resources. We support this commitment as it would also facilitate re-establishment of roadside vegetation removed in previous grading operations.

3. The Service has enclosed copies of two slides documenting road erosion problems at Naco. The erosion shown in these slides occurred around culverts installed the previous year on the border drag road west of Naco. As the slides demonstrate, erosion at culvert installation sites has been a problem in the past. The Service has noted this problem in comments submitted in our January 14, 1993 letter regarding road repairs to the Douglas border drag road. If recently installed culverts continually require annual maintenance, the long-term, cumulative impacts to the drainages and surrounding vegetation would be more extensive.

Comment # 3

Our Division of Engineering indicated that they have had success with wash crossings using permeable fills in which a layer of geotextile was installed, followed by a layer of rock, an additional layer of geotextile, and then the road bed. They stated that this method has been successful on dirt roads built by the Forest Service in New Mexico where erosion had been a problem with culverts. They also indicated that they have had culverts installed that continued to operate effectively for many years. While specific recommendations could not be made without a site visit, our Engineering Division indicated that erosion within one year at culvert installation site indicates that there does appear to be a problem with these installations. The Service requests that the Corps evaluate wash crossing options in order to minimize site damage and ensure that culverts, if used, are installed properly. We are primarily concerned with the continued loss of habitat along washes due to soil erosion and vegetation loss.

4. The Service requests that turn-out points flagged for use by heavy equipment (as noted on page 38) are the same as those used in previous road construction and repair activities.

Comment # 4

5. Page six of the DEA indicates that drainages along the fence alignment would be cleaned and repaired, and that culverts would be installed (four east of the Port of Entry [POE] and two west of the POE) to prevent the accumulation of water/sewage coming from Mexico while page seven indicates that culverts would be installed as part of road improvements. Please clarify the primary intent of culvert installation, as well as what is meant by "cleaning and repairing" of drainages. The DEA does not indicate how the installation of a culvert would prevent the accumulation of water and sewage. If the culverts facilitate the movement of sewage further into the U.S., there may be several water quality issues which need to be addressed with the Arizona Department of Environmental Quality. Additionally, the Service requests that vegetation removal be minimized.

Comment # 5

6. The DEA indicates on page seven that fill material used in fence construction would be obtained from private property with the owners' permission or purchased from local sources. Should the materials be excavated on private property, from waters of the U.S., the Corps would need to ensure that proper permitting occurs. In addition, if excavation occurs in the project vicinity, the amount of materials excavated should be clarified in the FEA in order to adequately address cumulative project impacts.

Comment # 6

Comment # 7

7. The Service supports the use of previously disturbed land on the U.S. Border Patrol compound as an equipment staging area as this would minimize total project impacts.

Comment # 8

8. The construction dates for this project appear to be incorrect on page two, and conflict with those dates given on page seven. Page two indicates that the start date is May, 1994, the completion date is late October, 1995, and that all activity would be completed no later than October, 1996. Page seven indicates that construction start date is May, 1994, the completion date is October, 1994, and all activities would be completed no later than October, 1995.

Comment # 9

9. Section 6.5.1 indicates that plant species observed during field surveys are listed in Table 1. However, this table was not included in the DEA.

Comment # 10

10. The threatened and endangered species list in the appendix of the document was provided by the Service on September 21, 1993. A species list is considered accurate for 90 days. Because the DEA was prepared approximately five months following issuance of the species list, the Service recommends that you contact Ms. Brenda Andrews of our office and request an updated list.

Comment # 11

11. Section 7.5.2 on page 26 and 27 indicates that the landing mat fencing "...will not adversely affect the movement of fauna across the border as they will be able to cross at the termination points of the fence." The Service does agree that the fencing will not likely have an adverse effect on overall movement of wildlife species known to be present in this area. However, it should be noted that this is largely due to the terrain as there are no topographical features such as mountains or canyons which, when abutted or divided by a fence, result in isolated patches of habitat. Construction of the landing mat fencing would impact individual animals in their use of habitat immediately surrounding the fence as this area would likely be avoided.

Comment # 12

12. Please ensure that the Service has received the FEA prior to initiation of construction at the site.

Comment # 13

13. The Service believes that this project should be included within the scope of the Programmatic Environmental Impact Statement (PEIS) currently being developed by the Fort Worth District Corps office as it is contributing to overall impacts of JTF-6 projects from California to Texas. Please provide information on the status of the PEIS and whether or not actions of this type will be included in the cumulative effects section of that document.

The Service appreciates the opportunity to provide comments on this project. Please contact Mary Richardson or Don Metz if we can be of any additional assistance.

Sincerely,

Sam F. Spiller
State Supervisor

Enclosures

cc: Regional Director, Fish and Wildlife Service, Albuquerque, New Mexico (AES)
Regional Administrator, Environmental Protection Agency, Region IX, San Francisco, California (Attn: James Romero)
District Manager, Bureau of Land Management, Safford District, Huachuca City, Arizona (Attn: Greg Yuncevich)
Chief, Regulatory Division, U.S. Army Corps of Engineers, Los Angeles, California
Regional Supervisor, Arizona Game and Fish Department, Region V, Tucson, Arizona
Director, Arizona Department of Environmental Quality, Phoenix, Arizona (Attn: James Matt)

RESPONSES TO COMMENT LETTER FROM
U.S. FISH AND WILDLIFE SERVICE (USFWS)

Please refer to USFWS letter dated March 31, 1994 to identify corresponding comment number to responses.

Response # 1. Construction will be accomplished by the Army 62nd Engineer Battalion, CPT. Clyborne will be in charge of the construction crew and he will ensure that the environmental commitments would be followed during construction of the project. Section 4.0 of Final EA has been updated.

Response # 2. Your comment has been noted.

Response # 3. See JTF-6 letter dated March 22, 1994 to IBWC regarding design of the culvert/erosion control structures. Culverts are installed using design techniques to reduce erosion along the washes i.e. sand bags. Long term cumulative impacts to the drainages due to maintenance will be addressed in the Programmatic Environmental Impact Statement; however, maintenance activity will result in very minor impacts to the vegetation along the washes. Your comment regarding using permeable fills is noted and will be brought to the attention of JTF-6.

Response # 4. Your comment is noted.

Response # 5. Existing road runs parallel to the fence and this road would be used as an access road during construction of the steel landing mat fencing; in addition, this road is also used by the U.S. Border Patrol to patrol the border and therefore installation of culverts will be required to make the road passable. COE has coordinated this action with Arizona Department of Environmental Quality and their comment letter on Draft EA is enclosed in Appendix D. Most of the washes do not support any vegetation, however vegetation removal will be minimized during construction.

Response # 6. Section 4.0 of the Final EA has been updated and indicates that about 1000 cy of fill material will be required for installation of culverts and will be obtained from the existing Chemstar Limestone quarry site. COE has coordinated with Chemstar Limestone quarry staff and they indicated that they have sold the material to government agencies in past.

Response # 7. Your comment is noted.

Response # 8. Your comment is incorporated in the Final EA. Construction will commence during last week of April 1994 and be completed by the end of July 1994. All activities would be completed no later than July 1996.

Response # 9. The plant species list is included in Appendix E in the FEA.

Response # 10. The Corps will contact Ms. Brenda Andrews and request a verbal update of the species list utilized in the preparation of the document. New additions will be evaluated and appropriate changes made in the scope of the project to offset impacts, if any.

Response # 11. The DEA noted the potential for impacts to local fauna during the project in terms of displacement and disruption of local fauna. The evaluation of the impacts of the fence on fauna is specific for the site being evaluated including terrain features that are specific for that site.

Response # 12. Copy of Final EA will be provided to your office prior to the construction.

Response # 13. Programmatic EIS is in progress and will be provided for your review during public comment period.

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

FICE OF THE COMMISSIONER
UNITED STATES SECTION

FEB 23 1994

Mr. Mark A. DeHarde
Lieutenant Colonel, U.S. Army
Department of Defense
Joint Task Force Six
Fort Bliss, Texas 79916-0058

Subject: Proposed Culverts Along the International Boundary in the Naco, Cochise County, Arizona Area, Project No. JT044-94

Dear Lieutenant Colonel DeHarde:

Pursuant to your letter of January 7, 1994, we have reviewed the proposed culvert design for the project referenced above. As you may be aware, the governments of the United States and Mexico rely on the International Boundary and Water Commission (IBWC), United States and Mexico, to exchange and review information on transboundary drainage issues. In this respect, the IBWC will determine the degree of impediment, if any, that a proposed structure may present to the free passage of flow across the international boundary.

In the present case of the culverts proposed for the Naco area, we have found that the information provided is insufficient for us to determine if the proposed culverts will impede the free passage of flow from Mexico. In order for us to make such a determination, we will need to be provided the peak design flow resulting from a rainfall event with a return period of 25 years and a duration equal to the time of concentration of the watershed of each particular proposed culvert, or 30 minutes, whichever is larger. We will also need to have topographic information for all the proposed culverts.

If you wish to discuss this matter further, or need additional information, please call me at (915) 534-6694 or Mr. Raymundo Aguirre at (915) 534-6707.

Sincerely,

Don Crawford
Chief, O & M Branch

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

MAR 21 1994

Colonel R.L. VanAntwerp
District Engineer
U.S. Army Corps of Engineers
Los Angeles District
ATTN: Ms. Laura Tschudi, CESPL-PD-RL
P.O. Box 2711
Los Angeles, California 90053

Dear Colonel VanAntwerp,

Thank you for the opportunity to review the Draft Environmental Assessment (DEA) and Draft Finding of No Significant Impact for Joint Task Force Six Operation JT-044-94, Border Fence Construction and Road Repair, Naco, Cochise County, Arizona, dated March 1994.

We note that the proposed project consists of construction of 3 miles of landing mat fencing located approximately 1.5 miles east and 1.5 miles west of the existing Port of Entry (POE), and the installation of culverts at six locations along the United States/Mexico border. The purpose of the project is to prevent/deter illegal traffic from entering the United States.

As you are aware, the United States Section of the International Boundary and Water Commission (USIBWC) by virtue of the 1944 Water Treaty (TS 994; 59 Stat. 1219) and agreements concluded thereunder by the United States and Mexico is responsible for ensuring that the United States Government meets the obligations incurred in those agreements. In this respect, we continue to ask that all work you propose along the U.S./Mexico border be performed in a manner that will not adversely impact upon: (1) the visibility and permanency of the international boundary monuments, (2) the present drainage patterns to and from Mexico, and (3) that all potential sanitation problems be properly addressed to insure that no pollution occurs in either country.

Regarding the Naco, Arizona, project and the visibility and permanency of the international boundary monuments, we note in Section 10.0, Environmental Commitments, that the proposed action will not impact the monuments located along the boundary since the steel landing mat fencing will be installed adjacent to the existing chain-link fence, and that the construction staging area will not be located near the boundary. Be that as it may, it must be emphasized that the United States and Mexico, through this and predecessor joint Commissions, placed and jointly maintain the monuments in this area. Diplomatic

THE COMMONS, BUILDING C, SUITE 310 • 4171 N. MESA STREET • EL PASO, TEXAS 79902
(915) 534-6700 • (FTS) 570-6700

protests by the Government of Mexico have been raised regarding the intrusion of the steel fence on the visibility of the U.S./Mexico monuments that mark the international boundary. Under no circumstances would the Government of Mexico permit the incursion of personnel and equipment into Mexico to perform the metallic fence construction. The Mexican government considers the steel fence to be a barrier to the amicable and friendly relations between the governments and, therefore, it would be most improper for Mexico to cooperate with the U.S. in the construction of this steel fence. We will appreciate your cooperation in confining activities by equipment, materials, or personnel associated with this activity completely to U.S. territory and that to prevent any encroachment into Mexico, no fence be constructed or any materials placed any closer than 0.60 meters (2 feet) north of the international boundary.

The DEA does not consider improved boundary demarcation as having a secondary border control benefit that may satisfy the purpose and need of the proposed action. In lieu of the fence, a proposal has been tendered to consider the installation of larger, more visible, and more permanent monuments to better demark the international boundary. It has further been suggested that there be an 18.3 meters (60-feet) open zone to either side of these larger markers within which there would be no construction of any works by either country, including fences. We urge you to consider this improved boundary demarcation among the alternatives for the proposed action.

Regarding transboundary drainage issues, the DEA does not contain sufficient information for us to evaluate the potential for changes in the present drainage patterns to and from Mexico. We note the project proposes to install six culverts, four east of the POE and two west of the POE to prevent the accumulation of water/sewage coming from Mexico. Section 6.3, Water Quality, notes that the direction of most of the surface drainage in the proposed project area is south to north (Mexico into the United States) and that surface water quality in the vicinity of the project is degraded due to sewage flows in some of the washes coming from Mexico. Section 7.3, Water Quality, notes that sewage flows from Mexico have accumulated at several low-elevation locations along the border and that the installation of culverts at these locations is intended to prevent accumulation of sewage in these areas. To assist us in our evaluation of this information, we ask that you provide the engineering plans for the culvert installation to P.E. Jose S. Valdez at this address as soon as possible for our review insofar as it impacts on transboundary drainage.

Finally, we note that your operation will inform us thirty days in advance of the project's proposed start date, and detail the type of equipment and number of personnel to be involved. We thank you for this courtesy.

Thank you again for the opportunity to review and comment on your proposed action. Please send us two (2) copies of the Final Environmental Assessment (EA) when it becomes available and please forward the engineering plans for the culvert installation at your earliest possible convenience.

Sincerely,

Conrad G. Keyes, Jr.
Principal Engineer, Planning

INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC)
(U.S. SECTION)

Joint Task Force Six submitted a letter dated March 22, 1994 to your office regarding culvert design and flow data and potential sanitation and pollution problems (Appendix D). In addition, responses to other IBWC concerns are addressed below.

The military personnel assigned to install the fence are aware of the International Boundary line and the existing border fence line which is aligned 2 feet north of the boundary line separating the U.S. and Mexico. Military personnel have been instructed to operate all construction equipment on the U.S. side of the border and to stay within 2 feet north of the existing border fence and concrete foundation when installing the steel panels to the steel poles. Border Patrol can understand Mexico's objection to the new steel panel border fence but should also realize that the old border fence was easily compromised by traffic entering this country illegally.

The steel panel fence that has and will be installed is approximately 10 feet in height. Military personnel have and will continue to work with the IBWC to provide access (steel doors, gates) near the International Boundary monuments so IBWC personnel can continue to maintain and use these markers to determine the legal boundary line between the U.S. and Mexico. In addition, military personnel when advised by IBWC personnel have modified fence panels at a number of monument locations along the border so they are visible from the U.S. side. This practice will continue in the future in an effort to assist the IBWC and its functions. The border fence cannot be installed 15 meters (50 feet) away from these boundary monuments. Therefore, it is necessary to install the fence as close to the International Boundary as possible along the entire border line. However, fence construction teams can modify the fence design as in the past, at these monument locations, to provide visibility and access doors/gates to the monuments in an effort to cooperate with the IBWC and its operations.

DEPARTMENT OF DEFENSE
JOINT TASK FORCE SIX
FORT BLISS, TEXAS 79916-0058

REPLY TO
ATTENTION OF

April 12, 1994

Staff Engineer

Mr. Don Crawford
International Boundary and Water Commission
4171 North Mesa, Suite C-310
El Paso, Texas 79902

Dear Mr. Crawford:

The culvert calculations and design for the multiple culvert for Joint Task Force Six (JTF-6) mission number JT044-94 have been completed as requested. The results are attached.

The project is planned to begin on or about April 25, 1994. If you have any additional questions or comments please contact Lieutenant Colonel Mark A. DeHarde, JTF-6 Staff Engineer at (915) 568-8773. Thank you for your continued support to the counterdrug mission.

Joint Task Force Six - "Service to the Nation".

Sincerely,

David L. Hayes
Colonel, U.S. Air Force
Chief of Staff

MEMORANDUM FOR RECORD 12 Apr 94

SUBJECT: JT #044-94: Culvert Design for Naco Road

1. JTF-6 recommends the proposed multiple culvert for the Naco road project be constructed to the following criteria (See Design):

a. 6 - 36" CMP culvert @ 60' long aligned with the nature flow of the wash.

b. Minimum 18" cover

c. 18" between CMP

d. Concrete head walls either formed or bulky angular rubble w/concrete slurry.

e. Minimum slope = 3.8%

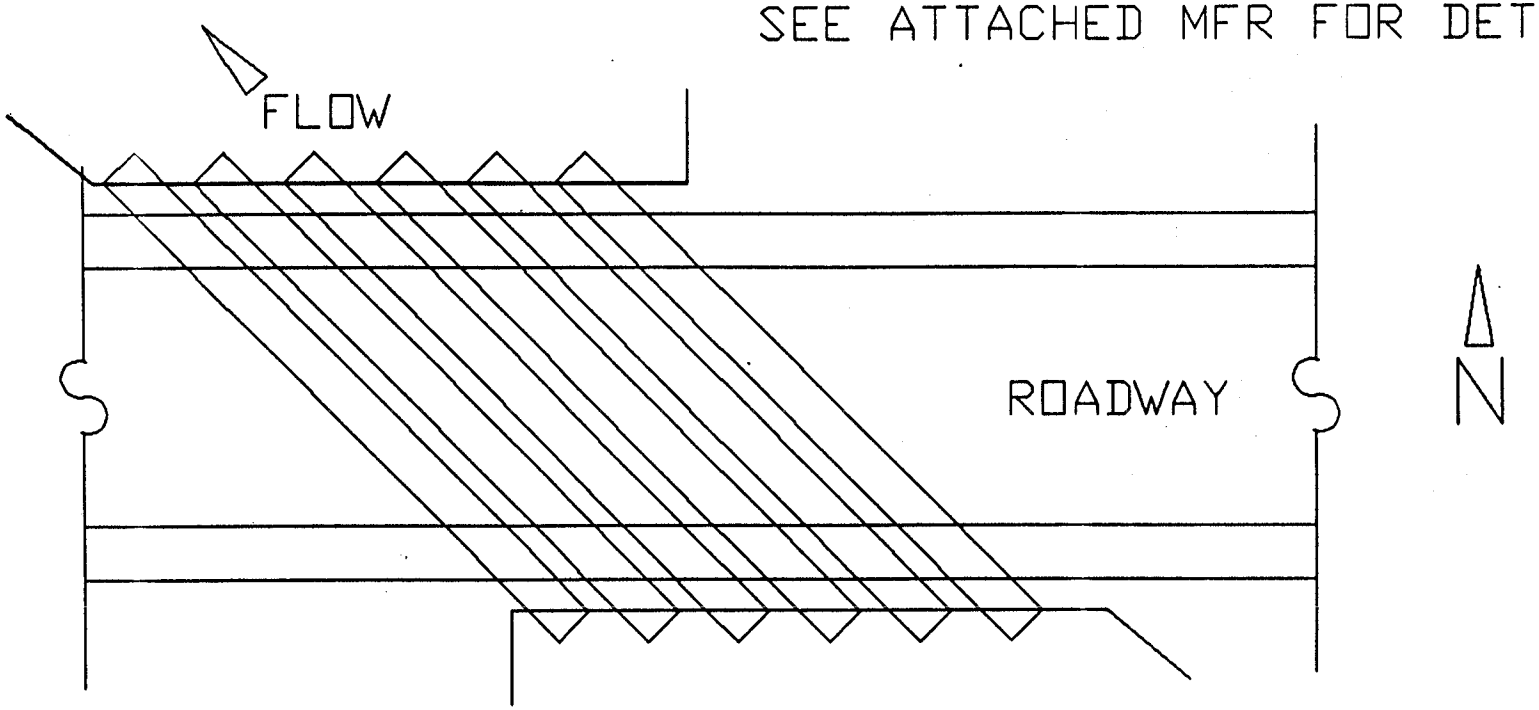
2. All culverts will use bulky rubble w/concrete slurry around head walls and wash area for erosion control. Smaller culverts sited along the road will be constructed using similar erosion control measures. The head and tail walls are designed so that if the capacity of the culvert is exceeded, the water flows over the road with minimal erosion to the roadway.

3. JTF-6 POC for design is the undersigned or CPT Doug Yost, (915) 568-8558.

MARK A. DEHARDE
LTC, EN
STAFF ENGINEER

Encls
1. Naco Culvert

SEE ATTACHED MFR FOR DETAILS

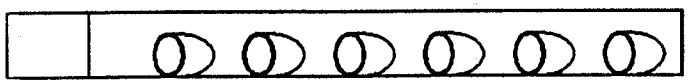


PLAN VIEW

ARIZONA, USA

INTERNATIONAL BOUNDARY

SENORA, MEXICO



SIDE VIEW

JOINT TASK FORCE SIX J3-ENGINEERS	
CPT YOST	
JTF-6, EN	
IBWC	NACO CULVERT
N.T.S.	CUL.DWG

U.S. Department of Justice

Immigration and Naturalization Service

425 Eye Street N.W.
Washington, D.C. 20536

MAR 30 1994

Ms. Laura Tschudi, CESPL-PD-RL
U.S. Army Corps of Engineers
Los Angeles District
P. O. Box 2711
Los Angeles, CA 90053

Dear Ms. Tschudi:

This is in response to your March 3 request for comments on the Draft Environmental Assessment (DEA) for the proposed Border Fence Construction and Road Repair at Naco, Cochise County, Arizona.

Ms. Joy Jaiswal, of your staff, clarified questions raised by Henry Lopez of this office, during a telephone conversation on March 21. We have no further comments on the document.

Thank you for offering us the opportunity to review the assessment.

Sincerely,

Victoria L. Kingslien
Director
Office of Facility Planning

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

On March 21, 1994, COE staff clarified INS concerns expressed by Mr. Henry Lopez of your office. Your verbal comments have been incorporated into the Final EA.

ARIZONA STATE PARKS

1300 W. WASHINGTON
PHOENIX, ARIZONA 85007
TELEPHONE 602-542-4174

April 5, 1994

Robert S. Joe
Chief, Planning Division
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 2711
Los Angeles, CA 90053-2325

ATTN: Joy Jaiswal

RE: Naco, JTF-Six Fence Construction and Road Repair, DOD

Dear Mr. Joe:

Thank you for consulting with us again about the above proposed project and sending us a copy of the Draft Environmental Assessment (DEA) prepared by the agency. I have reviewed your submittal and have the following comments pursuant to 36 CFR Part 800:

I note that the draft EA has inconsistencies that need to be resolved. For instance, pages 18 and 19 of the DEA state that sites AZ FF:9:12 and AZ FF:9:13 are not eligible for inclusion in the National Register of Historic Places yet this is not the opinion of the Arizona SHPO. See my letter dated September 23, 1993 (Appendix C of the EA) that states that both of these sites are National Register eligible. If we have a disagreement on eligibility, it should be resolved by the Keeper of the National Register. In any event, the DEA needs to be modified to be more consistent with eligibility determinations. Comment # 1

The draft EA does not indicate that sites AZ FF:9:12 and AZ FF:9:13 will be avoided by all project activities. Site avoidance was a condition of the "no effect" determination granted in our September 23, 1993 letter. Please advise as soon as possible if these two sites will indeed be avoided by all project activities. Comment # 2

I was in Naco on March 31, 1994 and was made aware of a historic archaeological site (the remains of a historic brick building) within the boundaries of the Naco Port of Entry property. This historic archaeological sites was not mentioned in the EA and apparently went unnoticed during the JTF-Six survey. The lack of mention of the above historic archaeological site makes me wonder if the consultant thoroughly checked historic records prior to the survey. My field inspection last week of the Port of Entry property indicated that there are many historic resources along the border in Naco, including resources in Sonora, Mexico. Comment # 3

I also looked at a historic property known as Fort Newell near the northwest end of Naco. This fort was used by the Buffalo Soldiers and staff of General Pershing during the Mexican/American war. This fort is probably related to site AZ FF:9:12. The relationship between AZ FF:9:12 and Fort Newell should be mentioned in the EA. Comment # 4

The draft EA mentioned the historic Naco Port of Entry, a National Register listed property, but it did not mention several historic buildings north of the Port of Entry along Newell Street (a.k.a. "D" Street). Even thought these historic buildings are probably well outside of the proposed impact area, they should have been mentioned in the inventory. Comment # 5

I was told last week during my visit to Naco that the proposed fence project may start construction around April 15, 1994. Since we seem to have a disagreement about National Register eligibility and it is not clear if the agency will be avoiding all known historic properties, it is may be premature to start construction on this project. I have heard that the fence will be 10 feet high and six miles long, twice as long as indicated in the EA. Please verify that the fence will be only 3 miles long and that additional areas do not have to be surveyed. Comment # 6

We look forward to your response to this letter and appreciate your continued cooperation with this office in complying with the historic preservation requirements for Federal undertakings. If you have any questions, please contact me at (602) 542-7137 or 542-4009.

Sincerely,

Robert E. Gasser
Compliance Coordinator
State Historic Preservation Office

ARIZONA STATE PARKS

Response # 1. These two archeological sites are outside of the area of potential effects. As a result, we do not need to be in agreement with the SHPO on their eligibility. To remove any confusion we have removed our opinion on their eligibility from the EA.

Response # 2. The EA does in fact state that these two archeological sites (AZ FF:9:12 and 13) are outside of the area of potential effects.

Response # 3. None of the resources mentioned in this comment are within the area of potential effects. This determination is consistent with the information provided to the SHPO in our coordination submitted to the SHPO in accordance with 36 CFR 800.

Response # 4. It would not be appropriate to mention the relationship of site AZ FF:9:12 to Fort Newell without doing additional research. As both of these sites are outside the area of potential effects this additional research will not be done.

Response # 5. They were not mentioned as they are outside the area of potential effects.

Response # 6. There are no resources within the area of potential effects. In their comment letter they do not identify any site or resource within the area of potential effects, and in fact there are none. Also, the EA states clearly that the proposed fence is three miles long. Our previous coordination with the SHPO is consistent with the EA. It would not be appropriate to delay construction.

WQMS-390.047

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Fife Symington, Governor Edward Z. Fox, Director

March 22, 1994

U.S. Army Corps of Engineers
Las Angeles District
Attn: Ms. Laura Tschudi, CESPL-PD-RL
P.O. Box 2711
Los Angeles, CA 90053

Dear Ms. Tschudi:

We have concluded our review of the referenced project relative to water quality impacts. Thank you for the opportunity to review your proposal during initial project planning. Since we have not been on site as a part of this review, our comments are limited to those which could be ascertained from the information you provide, our files and other available data sources. Our general comments follow:

1. Those activities resulting in alterations of the natural environment should not cause or contribute to the exceedance of limits found in the Water Quality Standards for Navigable Waters, A.A.C. Title 18, Chapter 11, Article 1. Enclosed is a copy of the response form to show how your project will incorporate the Water Quality Control Council (WQCC) Policies for Construction and Related Activities in Watercourses, Adopted April 13, 1977. Please fill out the form for those activities pertinent to your proposed project. When you forward the completed form to me, it will be reviewed to determine if there are any potential violations of the Federal Clean Water Act or State Environmental Quality Act. I would like completed response form No. 404.003 to become a part of the environmental report to document environmental protection practices to be used for this U.S. Army Corps of Engineers Project.

Comment # 1

2. Erosion control and/or other bank protection features must be used to minimize channel erosion and soil loss, where appropriate. Denuded areas must be revegetated as soon as possible after construction.

Comment # 2

3. Water for dust suppression, if used, must not contain contaminants that could violate water quality standards for surface waters or aquifers.

Comment # 3

4. If culverts are used they should be adequately sized to handle the expected flow and properly set with the ends protected from erosion. Stormwater discharges should be managed to minimize the pollution of the waters of the State. Drainage from paved areas should not result in direct discharge to canals or environmentally sensitive waters. If the enclosed BMP's are followed for the placement of culverts, there should be no impacts on water quality.

Comment # 4

If you have any questions, please call James Matt at (602) 207-4502 Thank you for your cooperation and efforts to protect our natural environment.

Sincerely,

James Matt, P.E.
Certification Engineer
Engineering Review & Permits Unit

Enclosures (2)

MATTA:#1\TSCHUDI

ARIZONA WATER QUALITY CONTROL COUNCIL

POLICY ON

CONSTRUCTION AND RELATED ACTIVITIES IN WATER COURSES

Appropriate items as listed below should be included in specifications for construction and related activities in or near watercourses. Adherence to the cited procedures should assure compliance with Water Quality Standards for Navigable Waters, A.A.C. R18-11-1. Specifications should require the person responsible for the activity to submit a program for effective control of water pollution to the person in charge of the project which includes procedures for protecting water from pollution with fuels, oils, bitumens, calcium chloride, silt, cement, asphalt, tires, batteries and other harmful materials, and for conducting and scheduling operations so as to avoid or minimize silting of the water.

Specific procedures for preventing water pollution may include:

1. Provision for temporary pollution control measures including dikes, basins, ditches and application of straw and seed.

2. Erosion control measures including minimizing clearing and grubbing and limiting exposure of erodible surface to 750,00- square feet for each location.

3. Construction of footings in water by sheet pile cofferdam method and pumping water from within the dam to settling ponds before returning it to the water.

4. Isolation of the construction area by dikes and/or berms.

5. Erection of barriers, covers, shields and other protective devices as necessary to prevent any construction materials, equipment or contaminants from falling or being thrown into the water.

6. Construction of drainage facilities to control erosion and sedimentation.

7. Provision of an adequate means, such as a by pass channel, to carry a stream free from mud and silt around operations to remove material from beneath a flowing stream.

8. A requirement for transportation of materials across live streams to be conducted without muddying the stream, mechanized equipment should not be operated in stream channels of live streams except as may be necessary to construct crossings or barriers and fills at channel changes.

9. A requirement for wash water from aggregate washing or other operations containing mud or silt to be treated by filtration or retention in a settling pond, or ponds, adequate to prevent muddy water from entering live streams.

10. A requirement for oily or greasy substances originating from the contractor's operations not be placed where they will later enter a live stream.

11. Provisions for Portland cement or fresh Portland cement concrete not be allowed to enter flowing water of streams.

12. A requirement to return the flow of streams as nearly as possible to a meandering thread without creating a possible future bank erosion problem when operations are completed.

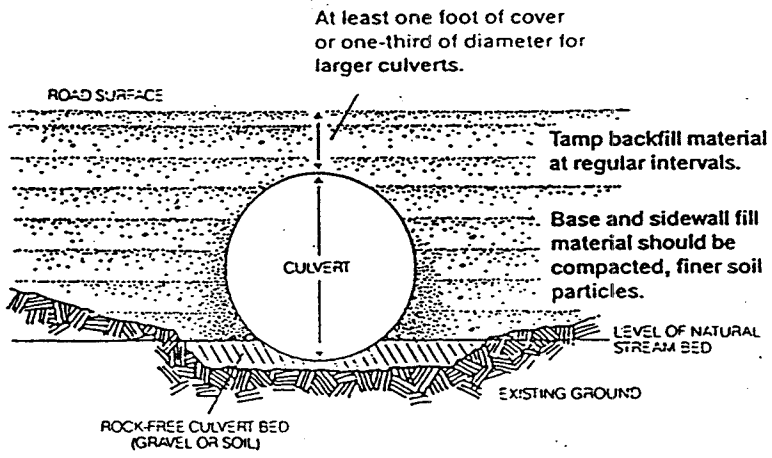
13. A requirement that material derived from roadway work should not be deposited in a live stream channel where it could be washed away by high stream flows.

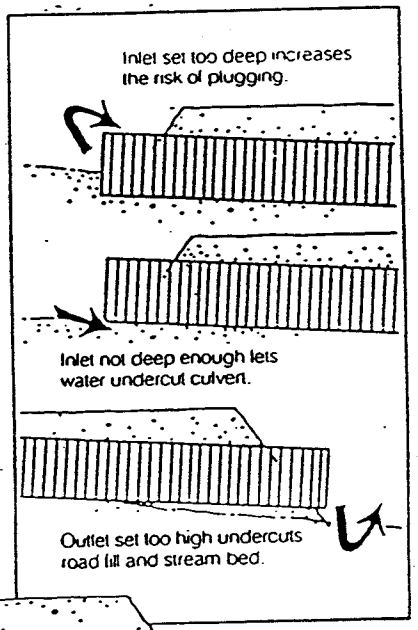
The person responsible for the activity should be required to monitor for turbidity every day in which there is a disturbance of the bed of the waterway. Monitoring should be performed not greater than 300 feet downstream from the construction or related operations and 100 feet upstream. Reports of turbidity measurements should be reported to the Arizona Department of Environmental Quality.

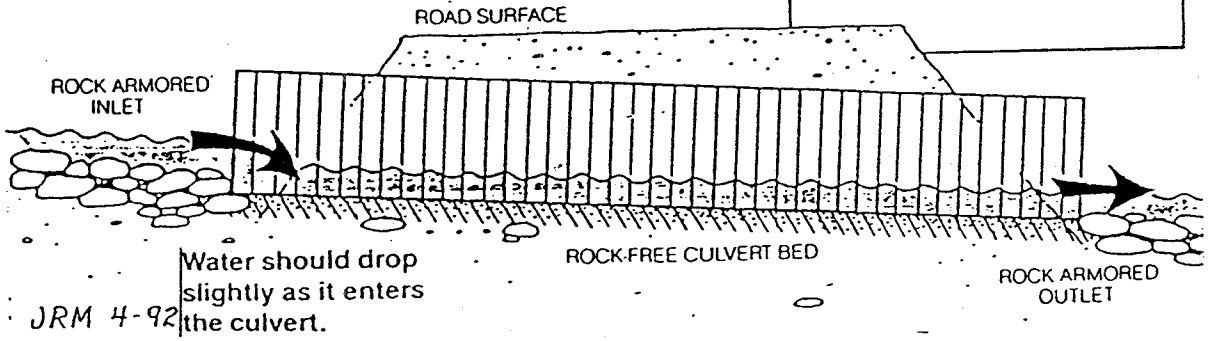
INSTALLATION OF STREAM CROSSINGS

A Best Management Practice for the Placement of Culverts.

1. Minimize channel disturbances and sediment discharge.
2. Construction should be performed at a time to protect fisheries and water quality.
3. Do not place fines (-60 mesh, .025mm) into stream channels.
4. Locate temporary stream crossing at locations that will cause minimum disturbances.
5. Culverts should be placed to conform to the natural stream bed.
6. Place culvert openings slightly below stream grade to avoid channel disturbances.
7. Compact the fill material around the culvert ends.
8. Armor the inlet and outlet where needed.
9. Dewater the stream crossing if possible.
10. Use one foot minimum cover for 18 to 36 inch diameter culverts. Use cover of 30% of culvert diameter for larger culverts.
11. Complete the work as fast as possible.
12. The culvert bed must be free of rocks, logs, etc. that could cause damage.
13. Culvert must be properly aligned with the water course.







Water should drop slightly as it enters the culvert.

JRM 4-92

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Response # 1. The COE has submitted required form # WQMS-301.030 (Appendix C). The project will not involve Navigable Waters of the United States. Therefore form No. 404.003 does not apply for the proposed project.

Response # 2. Refer to JTF-6 letter dated March 22, 1994. The Final EA includes environmental commitments to reduce erosion along the washes.

Response # 3. JTF-6 will ensure that water used for dust control will not be contaminated; this commitment is included in the environmental commitments section.

Response # 4. Please see response # 2

WALTER D. WOLF

Mr. Wolf in letter dated March 17, 1994 indicated his support for the proposed project and his concerns for the safety of the citizens and school children of Naco. His letter is on file at COE, L.A. District Office.

Response: JTF-6 plans to proceed with the construction of the steel landing mat fencing at Naco, Arizona.

H. AYUNTAMIENTO
NACO, SONORA.

DEPENDENCIA:	PRESIDENCIA MUNICIPAL
SECCION:	ADMINISTRATIVA
OFICIO No.	P-178-94
EXPEDIENTE:	48

"1994, AÑO INTERNACIONAL DE LA FAMILIA".

ASUNTO: El que se indica.

Naco, Sonora a 23 de Marzo de 1994.

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT
ATT'N: MS. LAURA TSCHUDI, CESPL-PD-RL
P.O. BOX 2711
LOS ANGELES, CALIFORNIA 90053.

Muy atentamente me estoy dirigiendo a Usted como representante de la Comunidad de Naco, Sonora, para pedirle que la posición que tienen Ustedes de construir un Cerco que divide a nuestra Población con la de Naco, Arizona en una extensión de tres millas hacia el este y oeste de la Puerta Internacional, pedimos a Usted que reconciderara que cuando menos en los primeros 100 Metros al este y oeste de la Puerta Internacional se iniciara el Cerco con material de - fierro tubular buscando con esto crear un mejor aspecto visual ecologico y quedaría situado enfrente de lo que es ambas Aduanas con lo que se evitaría una mala - imagen y un mal aspecto entre las relaciones amistosas que siempre se han llevado entre ambos Gobiernos.

PRESIDENCIA MUNICIPAL ESTADOS UNIDOS MEXICANOS Naco, Sonora.

A T E N T A M E N T E
SUFRAGIO EFECTIVO NO REELECCION
EL PRESIDENTE MUNICIPAL CONSTL.

C. MANUEL BRAVO SOLORZANO.

c.c.p. AYUNTAMIENTO MPAL

MBS-gmmj.

Al contestar este Oficio cítense los datos contenidos en el angulo superior derecho.

NACO, SANORA, MEXICO

By letter dated March 23, 1994, community representative, Naco, Sonora, Mexico indicated concerns regarding steel landing mat construction along the U.S./Mexico border near Naco, Arizona. Comment has been noted and letter has been forwarded to U.S. Border Patrol for response.

THE STATE OF ARIZONA

GAME & FISH DEPARTMENT

2221 West Greenway Road, Phoenix, Arizona 85023-4399 (602) 942-3000

555 N. Greasewood Rd., Tucson, AZ 85745 (602) 628-5376

April 13, 1994

Ms. Laura Tschudi, CESPL-PD-RL
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 2711
Los Angeles, California 90053

Re: Draft Environmental Assessment for Border Fence Construction and Road Repair in Naco, Chochise County, Arizona

Dear Ms. Tschudi:

The Arizona Game and Fish Department has reviewed the above-referenced Draft Environmental Assessment. We believe the Draft adequately identifies potential impacts resulting from the proposed action. Provided the mitigation procedures identified in the Environmental Assessment are followed, we do not anticipate that the proposed project will result in any significant adverse impacts to wildlife or wildlife habitat.

The Department's Heritage Data Management System has been accessed, and current records do not indicate the presence of any Endangered, Threatened or other special status species within five miles of the City of Naco, Arizona. The Draft Environmental Assessment referenced the occurrence of two special status species reported in the Final Environmental Assessment for Border Road Maintenance and Repair, Naco (Army Corps of Engineers, 1993). However, these records were over 10 miles from Naco and are not relevant to the current project.

We appreciate the opportunity to review and comment on this project. If we can provide any additional information, please contact me at 628-5376.

Sincerely,

Glenn Frederick
Habitat Specialist
Tucson Regional Office

GPF:gpf

cc: Brad Fulk, District Wildlife Manager
Ron Christofferson, Project Evaluation Coordinator

APPENDIX E

PLANT LIST

FOR

BORDER FENCE CONSTRUCTION AND ROAD REPAIR
NACO, COCHISE COUNTY, ARIZONA
JT044-94

Plant Species Identified in the Project Area

Mesquite	Prosopis velutina
Creosote bush	Larrea tridentata
Feather Peabush	Dalea formosa
White thorn Acacia	Acacia constricta
Palmer's agave	Agave palmeri
Desert Broom	Baccharis sarothroides
Calabazilla	Cucurbita sp.
Sotol	Dasylirion wheeleri
Senna	Cassia sp.
Prickly pear	Opuntia sp.
Yucca	Yucca arizonica
Cocklebur	Xanthium strumarium
Desert Zinnia	Zinnia sp.
Groundsel	Senecio sp.
Allthorn	Koerbilinia spinosa
Sacred Datura	Datura meteloides
Crested Pricklepoppy	Argemone platyceras
Nolina	Nolina microcarpa
Desert Baileyi	Baileya multiradiata
Goldenweed	Ericameria laricifolia
Wild Morning Glory	Evolvulus arizonica

APPENDIX F

DESERT TORTOISE GUIDELINES

FOR

BORDER FENCE CONSTRUCTION AND ROAD REPAIR
NACO, COCHISE COUNTY, ARIZONA
JT044-94

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES ENCOUNTERED ON DEVELOPMENT PROJECTS

Arizona Game and Fish Department
Revised October 21, 1992

Desert tortoises of the Sonoran population are those occurring south and east of the Colorado River. Tortoises encountered on short-term projects (less than one week), and not in a burrow should be moved out of harm's way to adjacent appropriate habitat. A tortoise should be moved no further than necessary, not to exceed 0.1 mile from its original location. If it is necessary to move a tortoise more than 0.1 mile to safeguard that tortoise, the Arizona Game and Fish Department (Department) should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Moving a tortoise should be done quickly, handling the tortoise as little as possible, while keeping the tortoise in an upright position at all times. If more than one tortoise is to be handled, disposable gloves should be worn to avoid transferring disease between tortoises.

If a burrow of a specific tortoise is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow, as determined by a qualified biologist. Failure to locate a suitable burrow nearby could mean death for a tortoise, especially during May, June or July, before the onset of the summer rains, or during the winter brumation (hibernation) in December, January and February. If a suitable burrow cannot be found nearby, the tortoise should be placed in an adoption program.

Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and farm developments), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. *Managers of projects likely to affect desert tortoises should apply for a Department handling permit to facilitate temporary possession of tortoises.* Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- These guidelines do not apply to the Mohave population of desert tortoises which are found to the north and west of the Colorado River. Mohave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.

- These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect the desert tortoise.

- Take, possession or harassment of a desert tortoise is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.

RAC:NLO:rc